Scott, Gerald E.	Wieden, Clifford, Jr.
Simmons, Clyde M.	Yaeger, Richard A.
Smith, Clarence D.	Bode, Wichard H., Jr.
Starzynski, Paul M.	Clark, James A.
Tanksley, Lawrence E.	Merry, Bion E.
Van Grol, Daniel P., III	Rodgers, John H.
	Huey, Benjamin M.

(Note: Asterisk (*) indicates ad interim appointment issued.)

CONFIRMATIONS

Executive nominations confirmed by the Senate January 19, 1965:

DEPARTMENT OF THE TREASURY

Sheldon S. Cohen, of Maryland, to be Commissioner of Internal Revenue.

Mitchell Rogovin, of Virginia, to be an Assistant General Counsel in the Department of the Treasury (Chief Counsel for the Internal Revenue Service).

HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 19, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Use the verse of Scripture, Ephesians 3: 20: *Now unto Him who is able to do exceeding abundantly above all that we ask or think, according to the power that worketh in us.*

Almighty God, we earnestly beseech Thee to bestow Thy gracious favor and benediction upon our President, our Vice President, our Speaker, and the Members of the Congress.

Grant that they may know how to guide the Ship of State and embody and express that noble kind of patriotism which seeks in personal character and public service to protect and perpetuate the good name of our beloved country.

May we all aspire to emulate the faithful in doing high and helpful things for our Republic and share in the blessed ministry of healing the hurts and heartaches of bruised and broken humanity.

Now may Thy grace, mercy, and peace descend upon us, through Jesus Christ, our Lord, in whose name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER. The Chair designates the Honorable EMANUEL CELLER, of New York, to act as Speaker pro tempore tomorrow, January 20, 1965.

THE LATE HONORABLE CHARLES A. PLUMLEY

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. STAFFORD. Mr. Speaker, I rise today to pay tribute to a former distinguished Member of the U.S. House of Representatives—an outstanding native citizen of the State of Vermont—a friend of many of you who are still here—the late Charles A. Plumley, U.S. Representative from Vermont from January 16, 1934, to January 3, 1951.

Mr. Plumley died in the town where he was born, educated, and retired, Northfield, Vt., on October 31, 1964, following the adjournment of the 88th Congress. He was buried the day before Election Day, but as was true of him in life, so death did not cheat him from full participation in the politics of that day. For he had cast an absentee ballot for President and other offices just prior to his death.

Charlie Plumley served a long and notable career in this great body, as did his father, the late Frank Plumley, Representative from Vermont from 1909 to 1915. But it would be difficult to have categorized the life of Charles Plumley.

In the field of education, he was a principal and superintendent in the public school system of his hometown and in later years served as president of Norwich University, one of this country's outstanding military schools, from 1920 to 1934.

Mr. Plumley was commissioner of taxes for the State of Vermont for 7 years, after having served in administrative positions in both our State senate and house of representatives. As a member of the State house of representatives, he served that body as speaker.

After 17 years in this body, Charlie Plumley retired on his own, expressing the view in his own words:

I thought, and still think, that some younger man should bear the burden of the responsibility for carrying out the ideas and the ideologies for which I have stood over the years.

Those of you who worked here in the Congress with Charlie Plumley knew him for his honesty and friendliness, and for the many years of valuable service he performed as a member of the important Appropriations Committee.

But of those who knew him best, I believe the words expressed following his death by a lifelong friend and classmate, Mr. William D. Hassett, of Northfield, come the closest to describing this memorable man. Mr. Hassett, former secretary to Presidents Roosevelt and Truman, wrote of his friend:

In the quiet of an October morning the long life of Charles Plumley ebbed to a peaceful close.

Few lives have touched the life of our Northfield community at so many angles as his. Born in the family home on Pleasant Street, as a boy he attended the graded school and prepared for Norwich University at Northfield High School. He was the only son of Frank Plumley, one of the foremost trial lawyers in New England and of Lavinia Fletcher Plumley. His mother was once preceptress of the local high school, of which her son was afterward principal. The Plumley household was a home of plain living and high thinking.

In all the great relations of life Charles Plumley never was found wanting nor inadequate. He had a genius for friendship and in his daily walks around Depot Square, as long as he was able, he had a cheerful greeting for all and was loved alike by men, women, and children. As raconteur he had few equals as his long-to-be-remembered stories of old Northfield and its people bear witness in the memories of those whose world is a desolate place now that he has left it.

A lover of beauty wherever he found it, his garden on Prospect Street brought joy to all, especially when his peonies and an occasional "piney" were at their height. If all, into whose lives he brought laughter and sunshine, could place one blossom on his grave he would sleep tonight in Mount Hope in a wilderness of flowers. He met life on its own terms always with an equable temper, cheerful courage, and steady faith.

"Take him for all in all, we shall not look upon his like again."

Mr. HALLECK. Mr. Speaker, will the gentleman yield to me?

Mr. STAFFORD. I would be delighted to yield to the distinguished gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, as one who served here with Charlie Plumley, of Vermont, and as one who admired him, respected him, and loved him, I would just like to say that the gentleman from Vermont's appraisal of Charlie Plumley's record here, his character and his service, is entirely correct. Charlie Plumley was one of the finest gentlemen that I have ever known. His friendship meant a lot to me. I am sorry indeed that he has gone to his reward, but I am sure that all those who knew him would agree with me that he served here with distinction, that he contributed in full measure to the benefit of his Nation and his State.

Again I thank the gentleman for yielding to me that I might add my sincere words of tribute to a great friend of mine, Charlie Plumley.

Mr. ALBERT. Mr. Speaker, will the gentleman yield to me?

Mr. STAFFORD. I will be glad to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I join my distinguished colleague from Vermont and the distinguished gentleman from Indiana [Mr. HALLECK] in this word of tribute to a former Member who performed outstanding service in this body and who had earned and received the highest respect of his colleagues. He loved the House and was loved by it.

I was shocked at the news of his death, and I extend my deepest sympathies to his friends and relatives.

Mr. STAFFORD. I appreciate the words of the majority leader.

Mr. O'HARA of Illinois. Mr. Speaker, even before I came to the Congress I had heard of the good heart and the good works of the Honorable Charles Albert Plumley. The late Congressman Ralph Church had referred to him a matter in which I was interested, because the young man concerned, who formerly had been a constituent of Congressman Church, was then a resident of Vermont.

It was one of those personal matters, not of earthshaking importance, but of real concern to at least one young man and the members of his immediate family. I appreciated greatly the response of Vermont's veteran Congressman in the case of a young man, a stranger to

him, only recently come to his State of Vermont and, moreover, a member of a Democratic family.

When I came to the 81st Congress I sought him out personally to tell him my appreciation. The friendship that followed was rich and rewarding. I am grieved to learn of his passing. In April next he would have reached the ripe age of 90. His indeed was a long and useful life and at every stage of a career that included the presidency of Norwich University, speaker of the Vermont House of Representatives, soldier, lawyer, banker, statesman. He made a friend of everyone with whom he worked.

Our late beloved friend and colleague was the son of another Congressman Plumley from Vermont, the Honorable Frank Plumley, who served in the 61st, 62d, and 63d Congresses.

GENERAL LEAVE TO EXTEND

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that all Members may have 2 legislative days in which to extend their remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

TO IMPROVE THE HIGHER EDUCATION SYSTEM IN OUR NATION

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, I am pleased today to introduce the administration's recommendations to improve the higher education system of our Nation.

A week ago, President Lyndon Johnson sent to the Congress an education message which, in my view, was the finest ever submitted to the National Legislature. In the course of the 13-page message, President Johnson made many eloquent statements on behalf of education. One such passage stands out in my mind.

It came when the President quoted Mirabeau B. Lamar, second President of the Republic of Texas and the father of Texas education:

> The cultivated mind is the guardian genius of democracy. It is the only dictator that free man acknowledges. It is the only security that free man desires.

Surely there are none among us today who cannot subscribe to President Johnson's invitation to us to join with him in declaring a national goal of full educational opportunity. Surely we can embark with the President on another venture to put the American dream to work in meeting the new demands of a new day. He continues:

> Once again we must start where men who would improve their society have always known they must begin—with an educational system restudied, reinforced, and revitalized.

The administration measure, Mr. Speaker, which developed out of mutual consultations among the executive branch and the legislative branch and the educational constituencies, is a commendable one. The most significant proposal, in my judgment, is the President's recommendation for university extension and continuing education. This I would like to call—as has a Portland university president—the "City Grant College Act." The Landmark Morrill Act of more than one century ago brought into being the land grant college system to serve a primarily rurally oriented Nation. Today, the situation has completely switched about and more than 70 percent of Americans live in urban areas. The City Grant College Act can do for our cities, beleaguered by bad housing, overcrowding, and a host of social problems, what the Land-Grant College Act did for the agricultural segments of our Nation. This recommendation by the Johnson administration may be the most significant of any recommendation of this generation. Today we cannot even envisage the results of this forward-looking program.

Among its many other fine features is the long-overdue proposal of a program of student assistance in the form of scholarships for 140,000 needy and qualified high school graduates. Surely, any qualified young man or woman who really wants a college education should have that opportunity.

Still another, is a faculty exchange program to strengthen less developed colleges. Many smaller colleges, apart from the mainstream of academic life for many reasons beyond their immediate control, face major financial problems, loss of accreditation, or difficulties in attracting top personnel. This proposal, which I introduced last year for purposes of discussion and study, would encourage our most advanced universities to enter into cooperative relationships with less developed colleges. I was most pleased that this administration has included this plan in the overall recommendations.

And finally, not without note, is the proposal to enable purchase of books and library materials to strengthen college teaching and research.

And so in the words of Lyndon Johnson on a far more somber day about 1 year ago, "Let us continue." Let us continue to expand and improve the partnership between the public and private colleges and the Federal Government that our children may be better equipped and better educated to face the challenges of tomorrow.

GEMINI SPACECRAFT SUCCESS

Mr. MILLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER. Mr. Speaker, I have received word from the Administrator, James E. Webb, of the National Aeronautics and Space Administration, that the second unmanned Gemini spacecraft has been recovered by our naval forces 2,150 miles down range in the mid-Atlantic.

This spacecraft was launched at 9:03 this morning from Cape Kennedy on a 16,600-mile-an-hour course. If postflight tests indicate satisfactory performance during the flight, we have today passed a significant milestone in our space program. Early indications are that the mission met all requirements.

Today's launch was the second in the Gemini-Titan series. It was designed to complete the qualification of the launch vehicle and spacecraft for the program's two-man flights.

The first of these will carry NASA Astronauts Virgil Grissom and John Young into a three-orbital mission this spring. Later flights will be used to perfect space rendezvous and docking techniques, to study the performance of astronauts during periods of up to 2 weeks in space, and to test other operations that are basic to the lunar-landing Apollo program which will follow Gemini.

Gemini is the second major phase of our manned space-flight activities. We moved boldly into this two-man flight program after the brilliant success of the six manned flights of Project Mercury. We have confidence that Gemini and Apollo will prove equally successful and that this Nation will continue to move resourcefully with the help of its industries, its universities, its government, and the aspirations of all its citizens toward that day when the United States will stand preeminent in space as it is already preeminent on earth.

AKIO NAGAMINE, SPEAKER OF THE UNICAMERAL LEGISLATURE OF OKINAWA

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, it is my distinct honor and pleasure to announce that among many distinguished visitors to our Capital City during these busy days of inaugural festivities is a great friend of the United States, Mr. Akio Nagamine, speaker of the unicameral Legislature of Okinawa.

Mr. Nagamine, now 56, is a leader of the Okinawa Democratic Party. He has devoted all of his adult life to public service, having been a schoolteacher, vice principal, and principal. In 1946 he was appointed a school inspector by the Okinawa Civil Administration. He has also served as mayor of Oroku-son, and commissioner of the land acquisition examining committee of the Ryukyu Government. In 1956 he was elected to the Okinawan Legislature and reelected for an additional five terms. He was chosen speaker of the unicameral legislature in 1960 and has held that position ever since.

Mr. Speaker, I am sure I speak for the entire membership of this House when I say that we are greatly honored by the visit of the Honorable Akio Nagamine, speaker of the Legislature of Okinawa.

LEAD-ZINC ACT OF 1965 INTRODUCED

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I know that Members of the House are familiar in general with the various problems that have beset the lead and zinc industry in the last decade. I have been bringing these facts to the attention of this body because of the importance of the lead and zinc industry to the economy of many regions throughout the country and therefore to the overall economy.

In my district—the Fourth Congressional District of Colorado—lead and zinc mining is not only important but has added to the folklore of our Nation through the exploits of brave and adventurous prospectors in many districts. There is still a lot of ore in the ground at Leadville; but, there is little activity because the depressed conditions of recent years forced the mines to close. Other areas are likewise inactive although the minerals are there.

Since the 86th Congress it has been my responsibility, as chairman of the House Committee on Interior and Insular Affairs, to consider measures that would help all domestic mining industries including lead and zinc. So, I have been actively seeking solutions to these problems. I have long felt that the key to the development and maintenance of domestic mining sources that can be relied upon to expand our domestic economy and to be available if we ever need them for a national emergency, is to make sure that we balance imports to the end that the domestic mining industry will be assured of a fair share of the domestic market and therefore will be encouraged to make investments for long-range development.

Those of us who have been laboring for the salvation of the lead-zinc industry are of the opinion, Mr. Speaker, that this year we have the combination, that we have found a formula that, when enacted into law, will be fair to this Nation, its producers and consumers, and will, at the same time, be fair to our friends in the community of nations whose economy to some extent is dependent upon exporting lead and zinc to the United States.

In this connection, let me emphasize for the record that the national policy as set forth in the Trade Expansion Act is recognized by many of the supporters of lead-zinc import legislation as being advantageous to the growth of the American economy generally, that many segments of the industry supporting this legislation have significant international trade, and that in my considered opinion there is no basic inconsistency between the type of legislation that we are offering today and an expansion of our international trade.

Let me also state for the record that there has been an improvement in the domestic lead and zinc mining industry in the last year and that prices of lead and zinc are at a level that will make it possible for the industry to operate economically if these prices are maintained. But let us not forget that this improvement, that these profits accrue to the benefit of those who have weathered the storm and remained in operation through the lean years when lead and zinc could not be mined profitably. This does not help those who were forced to go out of business; they cannot be helped unless and until they have some assurance that the industry will be stabilized during a long enough period of time to warrant the investment necessary to reopen old mines and open new ones.

We are at a stage of our economic development today where we need increased amounts of lead and zinc for domestic consumption. Some manufacturing and processing industries have told us that they are facing disastrous shortages of lead and zinc in the immediate future. The domestic lead and zinc mining industry cannot meet this short-range demand and the legislation has been introduced by Members of this body to provide for the release of additional supplies of lead and zinc from the national stockpile. Some further stockpile release appears justified, but I reserve for another day my judgment on the question of the quantity and the procedures of sale. However, I do make the firm observations that the stockpile was not created for the purpose of feeding supplies into the normal domestic markets and that stockpiled materials should not be utilized to influence the market.

The time to take the necessary steps to assure a continuing supply of lead and zinc for domestic use is now. We cannot accomplish this purpose by relying on either the stockpile or on foreign production and imports. And let me emphasize that it is not only in time of emergency that we cannot rely on foreign sources; we cannot rely on these sources at any time and particularly not at this stage of emerging and developing nations that have created new markets for these commodities at the very time that the highly industrialized nations, including ours, have created increased demands through expansion of their economies. Nonetheless, should there be a reduction in the rate of economic expansion, it would be at that very time that foreign producers would rush to take advantage of the U.S. market and once again possibly create the unfavorable conditions that caused the domestic lead-zinc mining industry to suffer the hardships it did during the last decade.

The time to assure a continuing flow of necessary lead and zinc is now; and the way to do it is by arrangement for a flexible import quota that will remove the threat of economic disaster for domestic mines while at the same time assuring foreign producers that they can continue shipping to this country at least as much lead and zinc as they are able to at the present time under the existing quotas, which were imposed by the President of the United States on October 1, 1958. Those quotas are rigid, absolute quotas which, in my opinion, were very liberal and to the advantage of foreign producers when they were imposed.

By utilizing the existing quotas as a base, our flexible quota plan assures friendly foreign governments that these quantities will remain the minimum eligible for import and that, whenever the U.S. market conditions require it, the import restrictions will be relaxed and additional quantities of lead and zinc could be imported. Likewise, of course, the flexible quota system would provide for decreasing the quotas when metals stock levels indicate that U.S. market conditions are such that lesser imports are required.

The bill that we are offering today has the support of all segments of the domestic lead and zinc industry—miners and smelters alike. This bill is a refinement of legislation that many of us sponsored in the last Congress. One of the features of the legislation which we think is an improvement over the terms of the earlier bills places in global quotas percentages of import allowances that are not being utilized under existing quota. In addition we think that we will provide greater assurance of stability for the domestic miner and consumer while at the same time assuring the importer of a share of the market.

By permitting a continuation of the allocation of existing quotas to those countries that now have such quotas and have substantially fulfilled them under the present plan, and can be expected to utilize them in the immediate future, we permit those countries to sustain their own present level of production. Stated another way: The flexible quota procedure will permit an increase in base quota levels in direct relation to any sustained growth of our economy resulting in increased consumption of lead and zinc and thereby permit foreign producers to share proportionately in our growth.

Finally, we have provided that whenever a country fills less than 90 percent of its assigned quota during a calendar year the deficiencies would be allocated to a global quota, available to any country, thereby providing supplies necessary to supplement domestic production and also automatically adjust imports to the fluctuations of mine and metal production available for export to the United States by other countries.

Those of us introducing this legislation today urge all Members to study it and we will welcome expressions of support in the form of additional cosponsors who would also introduce this legislation.

It is my hope, Mr. Speaker, that the distinguished chairman of the Committee on Ways and Means, the gentleman from Arkansas, the Honorable WILBUR D. MILLS, will obtain early reports on this legislation from the interested executive departments and agencies and thereafter schedule hearings on this measure. This is a bipartisan national

project in which we have representation from the North, East, and South, as well as the West. I readily admit, however, that my interest is heightened by the fact that Colorado has consistently been one of the five principal States producing lead and zinc from among the 20 States that have produced lead and zinc in substantial quantities. New sources of lead and zinc are being tapped. We reasonably anticipate new significant production from Kentucky and Maine to maintain the pace and accelerate production to keep in step with the growing economy.

We must take the necessary legislative action at this time to forestall a recurrence of the broad differential that has occurred on other occasions resulting in uncertainty and economic disaster.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. ULLMAN] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ULLMAN. Mr. Speaker, I am pleased to rise at this time to associate myself with the concept outlined by my colleague, the gentleman from Colorado, the Honorable WAYNE N. ASPINALL, who has been doing such an outstanding job as chairman of the House Committee on Interior and Insular Affairs and particularly in discharging the responsibilities of that committee with regard to domestic mining and mineral industries.

For this reason, I am happy to join as a cosponsor of the Lead and Zinc Act of 1965. I, too, subscribe to the thought advanced by my colleague from Colorado to the effect that the flexible quota formula proposed in this import legislation is not inconsistent with our basic policy underlying the Trade Expansion Act. The fact is that we must assure ourselves of continuing adequate supplies of lead and zinc, and this can only be accomplished if we encourage the discovery and development of additional domestic sources.

It is a source of satisfaction and encouragement that those of us cosponsoring this legislation have been able to agree on a formula which starts from a base in which the present quotas are the minimum and that, therefore, when domestic consumption of lead or zinc increases, we will have a liberalization of the import controls permitting additional foreign material to enter the country.

The bills that we have introduced today are fair to all—domestic producer as well as foreign producer, the consuming industries as well as the consuming public.

I urge enactment of this legislation as an important part of our economic progress.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. ICHORD] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ICHORD. Mr. Speaker, I have again this year joined the gentleman from Colorado, Chairman ASPINALL, of the House Interior and Insular Affairs Committee, in the introduction of legislation designed to impose a flexible quota system on imports of lead and zinc to protect the domestic lead and zinc industry from devastating price levels that have resulted in the past.

For more than a decade this industry, so necessary and vital to our Nation's national defense, has experienced the throes of a holocaust of cancerous genus, which has slowly and constantly been destroying the lifeblood of the lead-zinc industry, and in its wake, closing our own mines and causing great proportions of unemployment. In view of the ills suffered by the industry, I think it is time for Congress to take positive action to stabilize and maintain a healthy lead-zinc mining industry.

The lead-zinc industry has had a series of ups and downs in the past decade. The price of lead per pound decreased progressively from $0.179 in 1948 to $0.092 in 1962. In 1963 the price rose to $0.11 and approximately $0.14 in 1964, in keeping with the trend of the general level of our economy, but how long can this industry endure on the premise of survival by chance? The price is still too low for satisfactory conditions in the industry. Of course, the improvement is gratifying, but we must look toward a long-term stabilization by improving trade policies and statutes.

The flexible import quota system proposed by this legislation is the only immediate answer to the serious problem. It is designed as a twofold purpose, to help our own domestic producers and to still maintain necessary trade on the world market.

How can we continue to justify the inaction of Congress to the U.S. mines and producers? In my own State of Missouri, where more than 40 percent of the Nation's supply of lead is produced, there are only 6 mines in operation today, as compared to 90 in 1948, 68 in 1950, 18 in 1955, and 5 in 1960. As the mines have closed the unemployment rolls have increased, until today there are hundreds of men out of work and as many families with little means of support, causing incalculable damage to the local economy and adding to the injuries of the industry.

Something has to be done and now, not next year, is the time.

It is my opinion, after much basic research into this matter, that the flexible, adjustable plan proposed by this legislation will provide the necessary control to stabilize the industry and solve the problems. Through the provisions of the bill it will be possible to assure a fair share of the domestic lead-zinc market to the domestic industry without disturbing international relations by the flexible, adjustable quotas.

There are only 20 States where lead and zinc mining is in operation today, but the problems I have briefly delineated are important enough to warrant the serious attention of every Member of the House of Representatives. I cannot exaggerate or overemphasize the necessity of immediate action by Congress to enact import controls in the interest of providing long-term stabilization of the lead-zinc industry at economic levels favorable to domestic producers by the flexible import quota plan presented by the gentleman from Colorado, Chairman ASPINALL.

I strongly urge passage of this legislation.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. QUILLEN] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. QUILLEN. Mr. Speaker, I am joining today in introduction of the Lead and Zinc Act of 1965, providing for a flexible import quota system for these two metals.

Conditions in the domestic lead and zinc markets have improved during the past year, because of a good rate of consumption, that has paced the generally satisfactory level of our economy. The domestic mining industry is finally approaching the point of recovery after a very long spell of reduced and unprofitable operation. Now is the time to consider and enact proper import controls to assure long-term stabilization of the industry at operating and economic levels favorable to domestic producers with assurance of adequate metal supplies for United States consumers.

For more than a decade the lead-zinc mining industry in the United States has been beset with serious problems and uncertainty arising from imports of these metals and ores. During this period the industry has appeared before the U.S. Tariff Commission on many occasions, each time with findings of import injury, but there still is no intelligent solution to its problems, although these problems have repeatedly been demonstrated and recognized.

A system of absolute quotas was imposed on October 1, 1958, but these quotas are not an effective instrument to meet the problems of the mining and smelting industries or of the consumers of lead and zinc in the United States. They were set too high to effectively and expeditiously correct the situation that called for their imposition in 1958, at a time when metal stocks were at extraordinarily high levels and metal prices were too low for profitable mine operation. Being of fixed quantity, they guaranteed to foreign producers a fixed quantitative participation in the U.S. market, regardless of the level of consumption, thus putting the entire burden of adjustment during low cycles of domestic consumption on the U.S. mines. Further, being of fixed quantity, they have no flexibility to meet changing levels of consumption, and under some conditions such as those prevailing today they approach the point of being too low.

The underlying conditions that caused the 1956–57 debacle have not changed and in the absence of adequate and effective import controls will continue as a threat to the stability of the U.S. mining industry. In fact, the strong trend to

treatment of ores in countries of origin, with a view to selling the metal products in the United States, has widened the threat to stability of the lead-zinc smelting industry in the United States, and even to the continued existence of some segments of it.

Being aware of the deficiencies of the present quotas and the need for achieving and maintaining reasonable stability in the domestic lead-zinc industry, I have joined with Members of the Congress in seeking a means of curing these deficiencies and meeting this need. During the 88th Congress we introduced legislation for flexible quotas on lead and zinc, based on past experience with the existing quota plan.

Import quotas would be determined by the relative level of producers' metal stocks and would consider the interests of the miner, smelter, consumer, and importer.

The domestic lead-zinc industry has been held in uncertainty too long. Maintenance and development of the industry cannot proceed with confidence unless the industry can look to the future with assurance that it will not again be the victim of unwarranted invasion of the U.S. market.

Prompt adoption of flexible quota legislation in substantially the form proposed by Members of the Congress would provide this assurance and put to rest without further unwarranted delay a problem that has too long awaited solution.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. SKUBITZ] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. SKUBITZ. Mr. Speaker, I represent a congressional district that has been noted for its production of zinc and lead—so important to the growing economy of our country. Unfortunately this production has dwindled since the mid-fifties to a small proportion of previous annual totals as many mines were forced to close, with U.S. metal prices driven to unprofitably low levels.

These price reductions were caused by an influx of foreign imports, particularly during 1956 and 1957 that greatly exceeded our needs and our ability to assimilate in the American economy.

As a result an absolute quota plan was invoked in late 1958 but the damage had been done. Large metal stocks overhung our markets and kept U.S. prices at the unprofitable low levels, previously referred to, resulting in closure of domestic mines, not only in my district but in practically all the districts of our 20 States providing these metals.

Employment in U.S. mines was cut by 60 percent and the value of the products mined was cut in half compared to the early 1950's.

With the current change and improvement in consumption of zinc and lead, there is now a tight supply of both metals. The mines, lacking any incentive during the past 10 years to explore, develop, and mine new ore reserves, cannot cope with the rapid fluctuations in U.S. and world price changes experienced during the past decade. This reemphasizes the oft-repeated statement that "a mine is not a spigot—production cannot be turned on and off at will"—the natural factors of geologic occurrence and expensive maintenance and replacement of machinery as well as training of manpower must be considered.

At the present time the absolute quotas of 1958 appear too restrictive, but removal of these quotas would have little effect, as world market prices are higher than ours and some supplies formerly sent here by our foreign friends are going to greener pastures.

Mr. Speaker, the economics of zinc and lead mining do look better at the present time, but we know that other nations are already greatly expanding their capacity to mine zinc and lead ores and to increase smelting capacity to refine these two metals. This exceeds the reliable estimates of an increase in world consumption.

It is inevitable that a worldwide surplus of metal will again occur and this can happen within a short period of 1 to 3 years.

The flexible quota plan that I am introducing today, in a bill identical with the one introduced by the gentleman from Colorado, Chairman ASPINALL, will control imports of zinc and lead to necessary levels. This plan has been studied and approved by practically all segments of the U.S. mining and smelting industry. Their endorsement is made not on self-interest alone but with the overriding consideration that the consumer must have adequate metal supplies on a long-term basis and prices must be fair and equitable for all concerned with a minimum of fluctuation to enable long-term planning by both the producer and consumer. The flexible quota plan also provides for a fair sharing of our markets with the foreign nations producing zinc and lead and on an orderly basis. Stated another way, imports will be authorized as needed to supplement our own ability to produce; but, in addition, the plan guarantees the importer of zinc and lead a minimum quota at the level of the present allocation. As consumption increases, imports may increase.

The legislation also continues provisions to gradually change allocations from those who do not wish to participate in our markets to those countries desiring a greater share of our consumption.

In summary this is a plan that considers the needs of the miner, the smelter, and the consumer and the desires of the importer.

The present absolute quota system should be replaced by the flexible quota system for the good of our industry and our country. I urge speedy consideration and enactment of this important measure by the 89th Congress.

PREMIER SATO'S VISIT

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, it is now 2 years since I stated on this floor that the Communist threat in Africa came not from Russia but from Red China. Recent events have shown the growing seriousness of this threat, and upon that I shall speak at some length on a later occasion.

Today I have asked for this time to comment on this passage from a news story in the New York Times of January 14, 1965, on Premier Sato's conversations with President Johnson:

> The communique said President Johnson "emphasized the U.S. policy of firm support for the Republic of China (on Taiwan) and his grave concern that Communist China's militant policies and expansionist pressures against its neighbors endanger the peace of Asia."

Mr. Speaker, the column of William White is widely read by discriminating persons in the field of world affairs. I am certain he has spoken truly the mood of the administration and the thinking of the American people. Our interest and the interest of all the free world, including Japan, is in free China. Certainly trade with Red China, intended to bolster the economy of those intent on our destruction, is not what we would hope from a trusted ally.

It is my hope that the visit of the Japanese Prime Minister, which was so delightfully staged and so promising for the future of our two countries, will clear up any misunderstanding on the matter of trade with Red China. True allies, as true friends, must stand together. The strength of the free world in large measure is in the acceptance by all of concerted policies.

I commend President Johnson for making it clear, according to the New York Times, that our full support is with the Republic of China. Trade by our allies with Communist China could scarcely be called compatible. That, I trust, will be the message carried home to Japan by the Premier who so charmed us during his all too brief visit.

EQUITABLE AND REASONABLE DIVISION OF DEBATE ON CONFERENCE REPORTS

Mr. GOODELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GOODELL. Mr. Speaker, I am today introducing a House resolution calling for amendment of rule XXVIII of the rules of the House to provide for an equitable and reasonable division of debate time on conference reports.

This House has indicated its concern for fair treatment of minorities and it can do no less than to establish fair ground rules for the conduct of its own affairs.

The proposed new paragraph to be inserted in the rule would read as follows:

3. When a motion to disagree to a conference report in its entirety has been made, it shall be in order, before a final vote is taken thereon, to debate the proposition to be voted upon for one-half hour to be given to debate in favor of, and one-half hour to debate in opposition to, such a proposition.

The ultimate object of the resolution, of course, is to assure the minority of an opportunity to state its case on these reports. There can be no question, moreover, that it guarantees to the majority the immense advantage of an effective opposition.

Under the rules as they now stand, conference reports are considered in the House under the 1-hour rule. The individual Member handling the report can move the previous question without yielding to the opposition, effectively gagging the minority and cutting off the possibility of constructive and effective criticism. There is no way that any minority views can be incorporated into the conference report.

I urge the adoption of the resolution, Mr. Speaker, as a matter of equity and commonsense.

THE PEOPLE ARE ENTITLED TO THE TRUTH

Mr. MARTIN of Alabama. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. MARTIN of Alabama. Mr. Speaker, whether we are in favor of foreign aid or opposed to it, I am sure we are all agreed on one basic fact: Congress and the people are entitled to the truth as to the amount being spent and how it is distributed.

Following the President's message on foreign aid, great publicity was given by the White House and the news media leading us to believe that we would spend less on foreign aid this year than last. In fact, the President was quoted as saying his foreign aid request "is the smallest in the history of the foreign program since it was started in 1948."

What are the real facts, Mr. Speaker?

Fact No. 1 is that the President's request for foreign aid funds for fiscal 1966 is $130 million more than last year's appropriation and $380 million more than the appropriation for 1964.

Fact No. 2: He inserted in his message a separate request for an additional $750 million for aid to Latin America.

Fact No. 3: He said the amount asked for the Vietnam operation may not be enough, and he is requesting standby authorization to appropriate additional money if necessary.

Fact No. 4: There is already on hand $6.5 billion in unexpended funds, money previously appropriated by Congress, but not yet spent.

Mr. Speaker, it is not fair to the people of the United States to present budget requests in terms of juggled figures and statements which make us believe we are spending less money when the fact is we are spending more. Let the administration present to Congress legitimate budget requests, stated in plain language so we, and the people we represent, may have the opportunity to judge all proposed programs on their merits and in their true light.

ANNOUNCEMENT BY THE MAJORITY LEADER

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I have requested this time for the purpose of making a statement to my colleagues.

Mr. Speaker, I desire to alert my colleagues that when we adjourn today, we will meet tomorrow at 10:30 o'clock. I urge all the Members to be here promptly because the procession for Members of the House will leave in a body promptly at 10:35 a.m., so that the inaugural exercises on the platform at the east front might start precisely at 11 o'clock. There will be no opportunity for Members to join the procession after it leaves the House Chamber.

Members must display their official tickets in order to get a seat on the platform. There are no seats available for former Members on the platform. Therefore, former Members may not join the procession.

The seats to be occupied by Members of the Senate and House of Representatives have no cover. Members are urged to wear overcoats and take hats to protect themselves from the cold.

No children will be allowed upon the platform, and there will be no seats except for Members actually holding tickets for their own seats.

So, if you expect to be in the procession and get a seat on the platform, you must be in the Chamber at 10:30 a.m. tomorrow.

The procession will be headed by the Speaker pro tempore, then the chairmen of committees, and then the other Members in order of seniority.

Following the inaugural ceremonies on the east front, shuttle buses will be available at First and Independence Avenue, between 12:30 and 1:30 to take Members and their wives to the parade reviewing stands at the White House. The buses will also be available to bring Members back to the Capitol after the parade.

DISMISSAL OF CONTEST OF ELECTION OF RICHARD L. OTTINGER

Mr. ALBERT. Mr. Speaker, I call up a privileged resolution which is at the Clerk's desk.

The Clerk read as follows:

H. RES. 126

Whereas James R. Frankenberry, a resident of the city of Bronxville, New York, in the Twenty-Fifth Congressional District thereof, has served notice of contest upon RICHARD L. OTTINGER, the returned Member of the House from said district, of his purpose to contest the election of said RICHARD L. OTTINGER; and

Whereas it does not appear that said James R. Frankenberry was a candidate for election to the House of Representatives from the Twenty-Fifth Congressional District of the State of New York, at the election held November 3, 1964: Therefore be it

Resolved, That the House of Representatives does not regard the said James R. Frankenberry as a person competent to bring a contest for a seat in the House and his notice of contest, served upon the sitting Member, RICHARD L. OTTINGER, is hereby dismissed.

Mr. ALBERT. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, the purpose of this resolution is to dismiss a contest brought against the gentleman from New York [Mr. OTTINGER]. The notice of contest was given by letter dated December 19, 1964, by Mr. James R. Frankenberry, of 40 Woodland Avenue, Bronxville, N.Y. Mr. Frankenberry attempts to initiate this contest under the provisions of Revised Statutes 105 to 130, as amended, 2 United States Code 201–226 inclusive.

Mr. Speaker, the House is the exclusive judge of the election, returns, and qualifications of its Members under article 1, section 5, of the Constitution of the United States.

The application of the statutes in question is justifiable by the House and by the House alone—*In re Voorhis*, 296 Federal Report 673.

Mr. Speaker, under the law and under the precedents, Mr. Frankenberry is not a proper party to contest the election of the gentleman from New York [Mr. OTTINGER]. He is not a proper contestant within the applicable statutes, because he would not be able, if he were successful, to establish his right to a seat in the House. The contest involving Locke Miller and the gentleman from Ohio, Mr. MICHAEL KIRWAN, in 1941, is directly in point, as reported in the CONGRESSIONAL RECORD, volume 87, part 1, page 101.

The proceedings in the House at that time read as follows:

"H. RES. 54

"Whereas Locke Miller, a resident of the city of Youngstown, Ohio, in the Nineteenth Congressional District thereof, has served notice of contest upon MICHAEL J. KIRWAN, the returned Member of the House from said district, of his purpose to contest the election of said MICHAEL J. KIRWAN; and

"Whereas it does not appear that said Locke Miller was a candidate for election to the House of Representatives from the Nineteenth Congressional District of the State of Ohio, at the election of November 5, 1940, but was a candidate for the Democratic nomination from said district at the primary election held in said district at which MICHAEL J. KIRWAN was chosen as the Democratic nominee: Therefore be it

"*Resolved*, That the House of Representatives does not regard the said Locke Miller as a person competent to bring a contest for a seat in the House and his notice of contest, served upon the sitting Member, MICHAEL J. KIRWAN, is hereby dismissed; and no petition or other paper relating to the subject matter contained in this resolution shall be received by the House, or entertained in any way whatever."

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. Speaker, the issue in the case brought by Locke Miller and the notice filed by Mr. Frankenberry are identical except that in the former case Locke Miller had been a candidate for the disputed office in the primary. The statutes under which this proceeding is initiated do not provide, and there is no case on record that we have been able to find to the contrary, that a person not a party to an election contest is eligible to challenge an election under these statutes.

Clearly under the precedent to which I have made reference, Mr. Frankenberry is not a contestant for a seat in the House, and his contest should be dismissed.

Therefore, Mr. Speaker, I urge adoption of the resolution.

Mr. Speaker, at this time I yield 2 minutes to the gentleman from New York [Mr. GOODELL].

CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 5]

Anderson, Tenn.	Grabowski	O'Hara, Mich.
Ayres	Gray	O'Neal, Ga.
Baring	Grover	Pirnie
Battin	Harsha	Poff
Belcher	Harvey, Ind.	Powell
Blatnik	Hébert	Randall
Bolling	Holland	Reid, N.Y.
Bolton	Hosmer	Reifel
Bow	Hull	Reuss
Burton, Utah	Ichord	Roncalio
Cahill	Jarman	Roosevelt
Callaway	Jones, Ala.	Saylor
Casey	Kelly	Shipley
Chamberlain	King, N.Y.	Sickles
Clancy	Kirwan	Staggers
Clausen, Don H.	Landrum	Stalbaum
Collier	Leggett	Steed
Corbett	Lindsay	Stephens
Craley	Long, La.	Teague, Calif.
Curtis	Long, Md.	Thompson, La.
Davis, Ga.	McDowell	Thompson, Tex.
Devine	Macdonald	Toll
Diggs	Mackay	Tuck
Dwyer	Mailliard	Tupper
Edwards, Calif.	Martin, Mass.	Van Deerlin
Ellsworth	Martin, Nebr.	Watkins
Erlenborn	Mathias	Watson
Everett	May	Weltner
Farbstein	Michel	White, Idaho
Fino	Mills	Willis
Fisher	Minshall	Wilson, Bob
Fraser	Morrison	Wright
	Morton	Wydler
	Nelsen	

The SPEAKER. On this rollcall 334 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

The SPEAKER. The gentleman from New York [Mr. GOODELL] is recognized for 2 minutes.

DISMISSAL OF CONTEST OF ELECTION OF RICHARD L. OTTINGER

Mr. GOODELL. Mr. Speaker, the privileged resolution before the House will in effect declare that only a candidate for the office of U.S. Representative may contest the election of a Congressman.

The gentleman from New Hampshire [Mr. CLEVELAND] will follow me with a long series of precedents to the contrary.

This is the case where it has been alleged, and apparently reports have been made, that something close to $200,000 was spent in the campaign, a very large part of that sum by members of the family of the candidate.

I do not dispute the majority leader's statement that the House of Representatives is the exclusive judge of the qualifications of its Members, but the Corrupt Practices Act provides specifically for the taking of depositions and testimony which can be submitted to the House Committee on Administration. That procedure was being followed this morning in the New York State Supreme Court where one of our Members was subpenaed to appear and testify to these facts. But he did not appear. This resolution would in effect cover up this whole situation, and it would wipe this out before the House.

Mr. Speaker, it is clear that the election laws of this country are fast becoming a national disgrace. Certainly the House today should handle this kind of a matter in a dignified, thorough, and eminently fair manner. I would hope, therefore, that the House will defeat this resolution and that the matter will then go to the House Administration Committee for proper and deliberate action where the facts may be presented and where we may consider whether the Member should actually in this case be seated permanently.

There are many precedents with reference to the campaign contributions and excessive expenditures where the House has denied a Member a seat. Certainly, whatever our party, we must recognize in this kind of a situation that the reputation and dignity of the U.S. House of Representatives is involved. We should see to it that a full and complete hearing is held.

I ask that the Members give particular attention to the remarks of my colleague from New Hampshire [Mr. CLEVELAND], who will go into the details of this situation.

Mr. ALBERT. Mr. Speaker, I yield 10 minutes to the gentleman from New Hampshire [Mr. CLEVELAND].

Mr. CLEVELAND. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, the manner in which I became interested and concerned regarding this case is set forth in some detail in the House RECORD at page 39. I will not restate the details of how I became interested in this matter at the present time, but I do wish to say that I have nothing personal against the gentleman from the 25th District of New York. It is simply a matter of the issues involved.

Indeed I read with interest his remarks appearing in the RECORD of yesterday, page 797. I am sure he is a fine person, but the issues involved in considering this resolution transcend such consideration.

The case for the resolution which has been offered by the distinguished majority leader is set forth in detail at page 795 of yesterday's RECORD. I do not know the gentleman who wrote this letter, Mr. H. Newlin Megill, but I respectfully submit that when he states the precedents are all his way I believe him to be incorrect.

I turn, first, to the RECORD for the first day of our session, page 17, and I wish to quote the distinguished majority leader who was then speaking in reference to seating the Mississippi delegation.

He said:

> Any question involving the validity of the regularity of the election of the Members in question is one which should be dealt with under the laws governing contested elections.

I agree with the majority leader, and I believe his statement at page 17 of the RECORD above quoted properly sets forth the law pertinent to this matter.

Let us turn to the law itself, the law that is given out to the general public, the law which was read by distinguished counsel from New York, and the law which was acted on in good faith in this present case. Here it is expressed in plain and precise language that all can understand—2 U.S.C. 201:

> Whenever any person intends to contest an election of any Member of the House of Representatives of the United States he shall—

And so forth. "Any person." It does not say a candidate only.

Let us look at the policy established by the House Committee on Administration and the special committee that handles these matters, and I quote from the Union Calendar No. 839, House Report No. 1946. This is the language of the committee of the House at page XVI:

> In order to avoid the useless expenditures of funds and the loss of time by the committee and the staff, it has been decided by the committee to conduct investigations of particular campaigns only upon receipt of a complaint in writing and under oath by any person, candidate, or political committee, containing sufficient and definite allegations of fact to establish a prima facie case requiring investigation by the committee.

Here it is specifically spelled out that it can be any person, candidate, or political committee.

I might add in connection with this same thought that this matter was referred to that committee last December, but that committee did not have time to act on this matter. In Mr. Davis of Tennessee's last report he transmitted the matter of the Ottinger contest to the Clerk of this House and respectfully asked to put before the Committee on House Administration the protests of James R. Frankenberry—see page VI.

Mr. GOODELL. Mr. Speaker, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from New York.

Mr. GOODELL. Is it not a fact that the gentleman has briefs from the Congressional Library which cite a series of precedents in which noncandidates have contested House seats, in which full investigations have been had by the House Committee on Administration, and that perhaps the most prominent one that comes to the mind of all of us is the case of our former colleague Brooks Hays, in which his opponent did not contest it but an individual was contesting it, and a full investigation was made by the House Committee on Administration.

Mr. CLEVELAND. The answer is yes. I have two briefs prepared by the Library of Congress. Both of these briefs will be inserted in the RECORD under my general right to include extraneous matter. I will discuss briefly these two briefs.

Mr. KEOGH. Mr. Speaker, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from New York for a question.

Mr. KEOGH. The gentleman mentioned the contest with regard to Brooks Hays. Was not that an investigation that was under a special resolution of the House Committee on Administration and not under the general law regarding the matter of elections? The answer is yes or no. Was not the Brooks Hays contest a special resolution adopted by the House, and it was not under the general laws regarding contested elections?

Mr. CLEVELAND. I will answer the gentleman's language and not yield further.

The contested election was not brought by Brooks Hays. It was brought by a gentleman from Arkansas by the name of Mr. John F. Wells. I will not yield further.

These two briefs from the Congressional Library, which will appear hereafter in the RECORD, both state that not only a defeated candidate but any person may institute such a contest under the contested-elections law.

The two briefs are as follows:

THE LIBRARY OF CONGRESS,
Washington, D.C., December 23, 1964.

[Provided at the request of Mr. CLEVELAND]

From: American Law Division.

Subject: House of Representatives Election Contest: Must a noncandidate proceed under 2 U.S.C. 201?

Section 201 of title 2 of the United States Code provides that whenever any person intends to contest an election he must give notice in writing of his intention to contest to the Member whose seat he intends to contest. The notice must specify the grounds on which he intends to rely and must be given within thirty days of the date on which the result of the election is determined. Subsequent sections require the Member to answer the notice within thirty days of service, set forth the procedures for taking testimony, and require that all testimony be taken within ninety days from the day on which the answer is served on the contestant.

Perhaps the first observation to make about these provisions of the Code is that they in no way limit the authority of the House under its constitutional power to be the judge of the elections, returns and qualifications of its own Members. The House can and frequently does ignore these statutory requirements.

Perhaps the second observation to make is that some authorities consider these statutory provisions inapplicable to challenges made against the election of a Member by anyone other than a candidate. Thus in Paine on "Elections" we read:

"A case adjudicated in the house on the protest of an elector, or other person, or on the motion of a representative. Is not an action inter partes. It is a proceeding under the constitution, and not under the statute. In that proceeding there is no contestant to serve the notice of contest prescribed by the statute; there are no parties to serve notices to take depositions, or to examine or cross-examine witnesses; no parties who have it in their power, by their acts, omissions, stipulations, admissions, waivers, or laches, to dispose of the questions and interests involved; no parties into whose hands the law intrusts the fate of the controversy. In that proceeding there is no contest, or deposition inter partes, or stipulation inter partes, in the sense of the provisions of the revised statutes. To that proceeding the provisions of the revised statutes have no applicability. Those provisions are framed clearly and distinctly for actions inter partes." (Halbert E. Paine. "A Treatise on the Law of Elections," pp. 837–838, Washington, D.C., 1888.)

Despite the logic in the observations of Paine, the language of section 201 is broad enough to embrace challenges made by any person as well as by a candidate who seeks a seat and there are precedents which indicate that the statute was intended to be interpreted broadly.

An interesting discussion on the intent of the statute took place on the floor of the House in connection with a Maryland election. Within 30 days, as required by the statute, a defeated candidate served notice on a sitting Member. Before any evidence was taken, however, the defeated candidate also petitioned the House to investigate the election on the ground that it had been carried out by fraud and violence. In his petition, he emphasized that he was not claiming the seat for himself but sought rather to have the House investigate his allegations of fraud and violence and conclude that no valid election had taken place. His petition was endorsed by several reputable citizens of the district. The petition was considered by the Committee on Elections and the majority of the committee found no reason for extraordinary action by the House and, while conceding that the House had the power to take such action despite the statute, recommended that the petitioner be required to proceed with the taking of testimony under the procedure set forth in the statute. They agreed that this was not a personal contest of an election but rather a popular remonstrance of its validity.

The minority considered that the statute was intended to apply only to a personal contest initiated by one claiming a seat and that the appropriate remedy was to give the Committee on Elections the power to send for persons and papers, etc., in order to investigate the election.

One of the most telling arguments against the minority contention that the statute was intended to apply only to one claiming a seat was made by Mr. Washburn, of Maine, immediately before he moved the previous question:

"If it [the minority contention] be right, then an individual who contests a seat has only to get some friend to send in a memorial making a contest for him, and the House must order the testimony to be taken at the expense of the Union, and to be brought here outside the law of 1851" (which is now embraced in 2 U.S.C. 201–226).

The proposition of the minority was disagreed to and the House adopted the resolution of the majority "that it is inexpedient to grant the prayer of the memorialist for the appointment of a committee to take testimony." (Debate reported in the Congressional Globe, 35th Con., 1st sess. at pp. 725–735, 745–746, Feb. 16–17, 1858.)

Since that time the House has on occasion authorized the investigation of an election by a House committee on petition of a noncandidate, most recently in connection with the election of Dale Alford to a seat from Arkansas in 1958. (See committee print, "Investigation of the Question of the Final Right of Dale Alford to a Seat in the 86th Congress Pursuant to House Resolution 1, July 28, 1959.") There are at least two additional precedents, however, which indicate that it would be unsafe for the noncandidate to rely solely on a petition to the House and suggest that he should also proceed under the provisions of the statute.

Five months after an election in South Carolina in which none of five candidates instituted a contest, the mayor of Charleston who was not a candidate filed charges with the House alleging violations of the Federal and State corrupt practices acts, in promising Federal offices and in the receipt and expenditure of large sums of money for which no accounting was made, and prayed that the charges be investigated and if substantiated that the House expel the successful candidate. The report of the committee to which the petition was referred held that the mayor had been guilty of laches in not instituting a proceeding to contest the seat. The mayor "could, and we think should, have filed a protest in the nature of a contest and within the time prescribed by the statute. Had he filed his contest within the time prescribed by the statute, a method of taking testimony would have been provided for and the sitting Member would have been given an opportunity to have known the nature and cause of the accusations, the right to answer thereto, and to examine and cross-examine the witnesses" (cited in 6 Cannon, sec. 78). The House adopted the committee's recommendation that the charges filed be dismissed.

In another case there was some question about whether a notice of contest had been served within the 30 days required by the statute. The committee held, however, that the notice had been filed in time but that it was defective because it failed to allege that the claimant was a candidate for Congress, or a voter in the district, or that he had any interest in the result of the election (6 Cannon, sec. 97).

The precedents would seem to indicate not only that a noncandidate may but will sometimes be required to follow the procedures set forth in the statute.

VINCENT A. DOYLE,
Legislative Attorney.

THE LIBRARY OF CONGRESS,
Washington, D.C., December 8, 1964.

[Provided at the request of Mr. CLEVELAND]

From: American Law Division.

Subject: Challenges to seating Members of the House of Representatives.

Reference is made to your request for material on challenging a Member-elect's right to his seat in the House. Enclosed is a copy of a memorandum of September 17, 1964, on the subject.

Additional information as requested, is as follows:

1. Copy of, "Recent Cases in Which a Member-elect of the House of Representatives Was Asked To Stand Aside Until His Contested Election Has Been Investigated," Mollie Z. Margolin, American Law Division, December 30, 1958.

2. Copy of Record of House Contested-Election Cases, 73d Congress (Mar. 9, 1933) through 85th Congress (Aug. 30, 1957).

3. Copy of Record of House Contested-Election Cases, 1951–60.

4. Copy of pages 9364–9365 of No. 81 CONGRESSIONAL RECORD, August 19, 1937, listing House contested-election cases from 1907 to 1937.

5. Copy of "Cases of Congressmen Who Were Admitted to Membership While Not

Possessing Constitutional Qualifications," Legislative Reference Service, 1942.

6. Copy of Résumé of House Contested-Election Cases, 40th Congress (1867) to 51st Congress (1891), Legislative Reference Service, 1941.

In addition to the foregoing, further information includes—

(A) Instances of initiation of contested-election cases in the House by others than the contestant:

1. While there is no explicit statutory authority or rule of the House relating to the initiation of contested election cases by others than a defeated candidate, the House has long recognized this practice. In the South Carolina case of Richard S. Whaley, in the 63d Congress (1913), the House Committee on Elections, No. 1, described, in its report, the four instances in which the House could consider contested-election cases. The committee stated (Cannon's Precedents of the House of Representatives, vol. VI, sec. 78, p. 111):

"(a) The House may adjudicate the question of the right to seat in either of the four following cases:

"(1) In the case of a contest between the contestee and the returned Member of the House instituted in accordance with the provisions of law.

"(2) In the case of a protest or memorial filed by an elector of the district concerned.

"(3) In the case of the protest or memorial filed by any other person.

"(4) On motion of a Member of the House."

In this particular case, the protest was initiated by the mayor of Charleston, who filed charges of the violation of the Federal and State corrupt practices acts, some 5 months after the election. The committee held that since the protest had not been filed within 30 days after the determination of the result of the election as required by law (2 U.S.C. 201) the matter was not one of an election contest but of the expulsion of a Member for ineligibility.

The case was dismissed for lack of proof of the charges.

2. Nineteenth Congress, Pennsylvania case of John Sergeant, 1828 (Hinds' "Precedents of the House of Representatives," vol. I, sec. 555). A tie having resulted at the general election, a second election was held in which Sergeant was the winner. Citizens presented memorials purporting to show that Sergeant's opponent had won the first election, but the memorials were dismissed on the theory that whatever rights the parties had acquired as a result of the first election had been voluntarily relinquished. Sergeant was admitted to his seat.

3. Fourth Congress, Massachusetts case of Joseph Bradley Varnum, 1796 (Hinds', supra, vol. I, sec. 763). In February 1796, memorials were presented from sundry citizens and electors of the Second District of Massachusetts complaining of the "undue election and return" of Joseph B. Varnum and saying that the seat be declared vacant. The House, accepting a report that charges of illegal voting were unfounded, seated Varnum.

4. Twenty-sixth Congress, Pennsylvania case of *Ingersoll* v. *Naylor*, 1839 (Hinds', supra, vol. I, sec. 803). In December 1839 the House decided that as between two claimants to a seat from Pennsylvania, that Naylor should be seated. In late January 1840 a petition of citizens and electors from the Pennsylvania district was presented complaining of fraud and illegality in the election of Naylor. The House, after an investigation, accepted the report of the committee seating Naylor.

5. Twenty-eighth Congress, Massachusetts case of Osmyn Baker, 1840 (Hinds', supra, vol. I, sec. 808). In February 1840 a memorial was presented from citizens and electors of the Sixth District of Massachusetts alleging that Baker had not received a majority of the votes. The committee dismissed the case for lack of evidence.

6. First Congress, case of New Jersey Members, 1789 (Clarke and Hall, "Cases of Contested Elections," U.S. House of Representatives, 1789, 1834, p. 38). Petitions from sundry citizens of New Jersey complaining of illegality in the election of the New Jersey Members to Congress were received, as well as petitions favoring the validity of the election. It was determined that all Members were entitled to their seats.

7. Fourth Congress, Pennsylvania case of John Swanwick, 1795 (Clarke and Hall, supra, p. 112). Petitions of citizens and electors of Philadelphia were received complaining of the election of John Swanwick. The House seated Swanwick upon a failure to support the allegations contained in the petition.

8. Eighty-sixth Congress, Arkansas case of Dale Alford, 1959 (committee print, Subcommittee on Elections, Committee on House Administration, July 28, 1959, p. 3, letter of John F. Wells, of Little Rock, Ark., Dec. 3, 1958, complaining of irregularities in write-in votes and use of stickers in the election of Dale Alford). The House seated Mr. Alford on September 8, 1959 (H. Rept. 1172).

Also to be noted, is the statement by the House Committee on Elections, in the case of *Reeder* v. *Whitfield*, 34th Congress, March 5, 1856 (D. W. Bartlett, "Cases of Contested Elections in Congress," 1834–65, pp. 189–190) in which the committee referred to the power of the House to initiate election investigations on its own; "this House needs no parties in court, or names in the record, to guard its own rights and privileges; nor any extrinsic action to quicken it in the exercise of the exclusive power to judge of the election, returns, and qualifications of those who claim seats on this floor; and they may institute, and often have instituted, investigations of the rights of Members to seats, without any contestant at all. It is not only their right, but their duty, to see that no one shall occupy a seat on this floor whose title is imperfect, and to investigate of their own notion, whenever there is reasonable doubt cast upon the case."

(B) Right of Member-elect to vote prior to procedure for administering the oath.

Since the status of all Members-elect is similar at the start of a Congress, all may participate in the vote for the Speaker and before the oath is administered generally by the Speaker (see instance reported in the 16th Cong., Hinds', supra, vol. I, secs. 2 and 4, 1820).

In one instance, those who had not been sworn in with the other Members-elect, but had been asked to stand aside, were permitted to vote on the previous question in respect to a motion to refer their credentials to the Committee on Elections (Hinds', supra, vol. I, sec. 142, 41st Cong., 1869).

However, the names of Members-elect who have not been sworn in are not entered on the roll from which the yeas and nays are called for entry on the Journal (see, Hinds', supra, vol. V, sec. 6048, 59th Cong., 1906). In this situation, the Speaker distinguished between the organization of the House from the Clerk's roll, by statute (2 U.S.C. 26) wherein all Members-elect who are listed on the Clerk's roll may participate, and the state of events after organization and administration of the oath whereby the yeas and nays are called pursuant to the Constitution. In the latter case, when the House has been organized, the roll contains only the names of those who have taken the oath. Since such Members-elect are not entered on the rolls, they are not counted in the determination of a quorum (see Cannon's "Precedents of the House of Representatives," vol. VIII, sec. 3122, 63d Cong., 1913).

(C) Other rights of Members-elect before taking the oath: The House has permitted Members-elect to be appointed to committees before taking the oath (see, Hinds', supra, vol. IV, sec. 4477; sec. 4479, 59th Cong., 1905; 4489, 59th Cong., 1905; 4481, 57th Cong., 1902; 4482, 57th Cong., 1903), and they may even be appointed to chairmanships (Representative Melville Bull, of Rhode Island, as chairman of the Committee of Accounts, 57th Cong., 1902, IV Hinds', sec. 4481), but they cannot vote until sworn in (Hinds', supra, vol. IV, sec. 4477).

(D) Exclusion of Member-elect before he is given the oath: The House has determined that it can vote, by majority vote, to exclude a Member-elect, before he has taken the oath where he might have been guilty of the violation of a criminal statute, or of disloyalty, even though he might possess the constitutional qualifications (see case of Brigham H. Roberts, 56th Cong., 1899, charged with polygamy, Hinds', supra, vol. I, secs. 474–480); see also the case of B. F. Whittemore, of South Carolina, who on being reelected to the same House from which he had resigned to escape expulsion for bribery, was excluded from taking the oath and his seat (Hinds', supra, vol. I, sec. 464, 41st Cong., 1870; see also, ch. XV of Hinds', vol. I).

(E) Instances involving questioning of prima facie credentials: Although the House generally does not refrain from ordering the oath to be administered, where credentials indicate a prima facie election of a Member-elect (see attached memorandum), it has declined to admit on prima facie showing where elections and credentials appeared defective.

In the 38th Congress, in 1863, the administering of the oath was postponed in the case of three Members-elect from Louisiana (A. P. Field, Thomas Cottman, and Joshua Baker) on the ground that their credentials had been signed by a possibly specious Governor and that no pretense of an election had ever been held (Hinds', supra, vol. I, sec. 589).

In another instance, where the credentials of a Member-elect indicated that he had been elected before the resignation of his predecessor took effect, objection was made and the oath was not administered until new credentials were produced (Hinds', supra, vol. I, sec. 596, Representative Conner, of Iowa, 56th Cong., 1900).

The House, at times, has denied the oath to two persons who appeared with conflicting credentials which cast doubt on the right of either to the seat (see, Hinds', supra, vol. I, sec. 459, Georgia case of Wimpy and Christy, 40th Cong., 1868). But, where two claimants have credentials in apparently due form, the House has directed the administration of the oath to the one whom the Clerk had enrolled (Hinds', supra, vol. I, sec. 613, Oregon case of *Shiel* v. *Thayer*, 37th Cong., 1861).

ROBERT L. TIENKEN,
Legislative Attorney.

Mr. Speaker, the briefs make it clear that not only can a noncandidate contest under the contested elections law but, if he fails to do so, he does so at his peril.

Mr. GOODELL. Mr. Speaker, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman.

Mr. GOODELL. I wonder if the gentleman from New York would, in the light of his comments, agree with them to support a resolution to have such an investigation in this case.

Mr. KEOGH. That point obviously is not relevant here.

Mr. GOODELL. It seems to me it is awfully relevant. We want to have the facts brought out.

Mr. KEOGH. The issue here is simply that the House will abide by the very clear precedents governing this kind of situation.

Mr. CLEVELAND. Mr. Speaker, I have not yielded to the gentleman from New York.

Mr. KEOGH. The gentleman from New York asked me a question and yielded to me.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman.

Mr. GERALD R. FORD. First let me say I am very grateful for the time put in on this matter by the gentleman from New York [Mr. GOODELL] and the gentleman from New Hampshire [Mr. CLEVELAND]. I think they have gone into the matter sufficiently to indicate very clearly that our election laws on the Federal level need a thorough analysis. Much time has passed since the enactment of existing legislation and it seems to me that it is very pertinent for us to update these laws to take into consideration conditions that have developed over the years in cases coming before the House such as those that have been discussed here today. I would strongly urge such action be taken by the House and by the other body during this session of the Congress.

Mr. CLEVELAND. I wish the Members to know before they vote on this resolution that the second of the aforesaid briefs provided me by the Library of Congress not only states that it is clear that the House has long recognized the practice of permitting a noncandidate to bring one of these actions under the contested elections law, but it then cites eight specific cases—eight specific cases where this was permitted.

Time will not permit me to read you all the cases cited but I will tell you this, and it is very important: One of these cases came up in a situation where a noncontestant had not proceeded under the contested elections law and he was thrown out of court, so to speak, because he had failed to proceed under this law. In other words, if you do not proceed under this law, you may be thrown out. Here was the reason behind that, and I think this will interest the Members.

I quote from my first brief on page 4:

> One of the most telling arguments against the minority contention that the statute was intended to apply only to one claiming a seat was made by Mr. Washburn of Maine immediately before he moved the previous question. I quote Mr. Washburn of Maine, "If it (that is the minority contention) be right then an individual who contests a seat has only to get some friend to send in a memorial making a contest for him and the House must order testimony to be taken at the expense of the Union, and to be brought here outside the law of 1851 (which is now embraced in 2 U.S.C. 201–226).

The rationale behind this was that under the contested election law the contestant bears the expense of the whole matter of taking depositions and gathering testimony. That is the reasoning behind it. That reasoning clearly specifies the fact that this law not only can be used by a noncontestant but it indeed must be used.

So what we are doing if we adopt this resolution is slamming the door shut for all time on this particular case. Whether this House wishes to do that is up to the House. Certainly I will respect the will of the majority but I am sure that every Member, including the Member from the 25th District, must feel that this matter should be at least be considered by a committee and that there should be full and free discussion of it. The committee might well come back with a finding that completely exonerates the gentleman in question. If, indeed, the committee should so find that is fine, but I do not think we ought to slam the door shut at this time before a committee has even had an opportunity to consider it, the parties heard and the evidence presented.

The SPEAKER. The time of the gentleman has expired.

Mr. ALBERT. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, the most important issue here is to understand just what procedures may be used and under what circumstances and by whom.

In this case, if we followed the recommendations of the gentleman from New Hampshire, we would be opening up to anybody or to any number of individuals, for valid or for spurious reasons, the right to proceed under these statutes, to contest the election of any Member of the House. These statutes place burdensome obligations on any contestee and should not be construed to open up the opportunity for just anyone to harass a Member of Congress or to impede the operations of the House.

Other remedies are available to the public generally and to Members of the House. Any individual or any group of individuals has a right to petition the Congress of the United States. Any Member of the House has a right to introduce a resolution at any time, calling for the investigation of any election. In the ordinary course of events, such a resolution would be referred to the Committee on House Administration, and thereafter to the Subcommittee on Elections, for proper investigation or hearings, as that committee or as the House might deem necessary under the circumstances.

What this statute provides—and I say it refers to the defeated candidate—is that prior to going to the House any defeated candidate may go before any court, mayor, or other official mentioned in the statute, obtain evidence, have subpenas issued, call in witnesses, and obtain documents; all this ultimately to be referred to the Clerk of the House for disposition by the House.

Further than that, to construe this statute as the gentleman from New York would have us construe it would enable a Member to be challenged by any number of individuals, one challenging on one ground and another on another, one on the ground of citizenship or residence, another on the ground of excessive campaign expenditures, and so on ad infinitum.

If the contention of the gentleman is correct, there is no limit to the number of individuals who could contest any seat in this House, if the contest were brought in due time.

I wish to quote from the statute. I have already quoted from the precedent of the Kirwan case. I say to the gentleman that it was intended that this case be limited to those who participated in the election, to one of the candidates in the election.

I will read the last section, section 226 of title 2 of the United States Code, relating to the matter of getting financial help.

This is what the section says:

> No contestee or contestant for a seat in the House of Representatives—

What does that mean—"contestant for a seat in the House of Representatives"?

> shall be paid exceeding $2,000 for expenses in election contests.

I say that the Congress never intended to give unqualified authority, pellmell, under this statute, to individuals, to good people or to bad people, to contest any Member's seat, for good reason or otherwise.

I say that this statute, which places a burden on the contested Member, is one which should be narrowly construed and which was narrowly construed in the Kirwan case.

I read from a letter of December 21, written by Mr. Frankenberry to the distinguished chairman of the Committee on House Administration:

> This is to advise that I will proceed under certain sections of the statute. Service subpenas will demand the production of all records of expenditures, checks, drafts, pledges, and so forth, insofar as gifts are concerned, as well as the nature, manner, and purpose of all expenditures relating to the Ottinger campaign.

Mr. Speaker, any Member can be required by anybody anywhere in the country, if the position of the gentleman from New Hampshire and the gentleman from New York is followed in the use of this statute, to be placed under such a burden. This statute should, I repeat, be narrowly construed, as it was narrowly construed, and as the language which I have read indicates it is to be construed. Otherwise, I repeat, any individual or group of individuals, for good reason or bad, could tie up every Member in the House of Representatives by requiring every Member to answer to subpenas, to submit evidence, to call witnesses, to examine witnesses, and whatnot. If this were allowed it would impede the legislative process and interfere with this House in the performance of its duties.

This was never intended by this statute. There is nothing within the action which we are taking today which prevents any Member, as was done in the Hays case, from filing a resolution and having it submitted to the Committee on House Administration for investigation or for hearings. There is nothing in the resolution which I have offered today which will prevent any Member of this House from doing that or which will prevent any number of electors from the 25th U.S. Congressional District or any citizens therein from petitioning the Congress to proceed with an investigation. The question here is should we

give the powers conferred by this statute, to any one but a candidate for a seat in the House? Surely, we would not do that when there are other methods of proceeding under election practices, laws, and customs, such as by memorial, petition, or resolution. Certainly Mr. Frankenberry has neither under the law nor the precedents the right without previous action by this House to proceed under the statute to which the gentleman makes reference.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield me 5 minutes to answer his remarks?

Mr. ALBERT. I will yield the gentleman 2 minutes, because I want to yield to other Members.

Mr. CLEVELAND. Mr. Speaker, the remarks of the distinguished majority leader are, of course, persuasive, but the fact remains that the precedents that were cited in my brief are clearly against him. I think the membership should realize this. If a distinguished New York lawyer such as Mr. Kiendl, who advised Mr. Frankenberry on this matter, read this law as he did, and proceeded as he did, and if the Library of Congress tells me, as they have done, that to proceed under this law is to proceed as Mr. Frankenberry did, then I say to the distinguished majority leader where is this swarm of "crackpots" that he talks about plaguing us with all of these nuisance suits? Of course, the answer to that is this: He can cite none because there have been none. The purpose of this law is to safeguard the people of the United States against a situation where the defeated candidate might not either have the heart or the will or the desire to contest an election which clearly should be contested for the common good and for the cause of good government. I never would subscribe to an interpretation of this law that takes away the right of a freeborn American in a congressional district to come to Congress and proceed under our laws to question our elections, and I question whether the majority wishes to do that.

Mr. ALBERT. If the gentleman will yield to me, I am just as interested in honest elections and in proper procedures and in preserving the dignity of the House as anyone. The only question is whether citizen X should be entitled to use a statute which on its face says—and if the gentleman will read it, I think he can read it for himself——

Mr. CLEVELAND. I have read it and reread it and the statute says, "any person."

Mr. ALBERT. If the gentleman will listen to this, it says: "no contestee"——

Mr. CLEVELAND. That is the last section of the law.

Mr. ALBERT. Section 226: "or contestant for a seat in the House of Representatives shall be paid exceeding $2,000."

Mr. CLEVELAND. That is precisely correct, and the intent of that is clearly that any reimbursement will be confined either to a seated or to a defeated Member. It simply limits the amount of reimbursement of expenses to those two classes. It does not govern the first section that specifically says any person can contest an election. Actually my position is as I have said earlier the same as expressed in connection with the Mississippi case by the distinguished majority leader.

The SPEAKER. The time of the gentleman from New Hampshire has expired.

Mr. ALBERT. Mr. Speaker, I yield such time as he may desire to the gentleman from Texas [Mr. BURLESON].

Mr. BURLESON. Mr. Speaker, the distinguished majority leader has clearly, and I think beyond reasonable doubt, stated the precedents and statutes correctly and as they have been applied historically by this House of Representatives. Now, even though we talk about the construction of the statutes in their narrow sense and the precedents which are involved, there are other fundamentals involved. Incidentally, I believe the precedents, if the gentleman from New Hampshire will observe, hold in some, if not all, cases, in which the contest was brought by a third party, that the contestant be seated instead of a Member who by this House had been permitted to take a seat temporarily.

These precedents are a little like apples and bananas. They just do not mix so you cannot tell them apart. Even though the precedents are clear and the statutes are very explicit, there is such a thing as equity. Every lawyer in this Chamber knows the old English adage that, if I may paraphrase, says that he who seeks equity must do so with clean hands. This is a unilateral action. How could this House in its collective judgment determine whether or not equity is being done when the other party to the election is not a party to this attempt at contest?

So, Mr. Speaker, as the majority leader has so ably and aptly said, anyone could bring these proceedings under prejudice, under bias, under some scheme surreptitiously—however it may be—to cause embarrassment on a duly certified Member of this body without his having opportunity of challenging actions on the other side. This is not to say that two wrongs make a right but it does say that he who demands equity must also show equity on his part.

More importantly, Mr. Speaker, should the people of the 25th District of the State of New York be denied proper representation in the Congress on this sort of allegation? It becomes a serious matter should that happen.

So I join the distinguished majority leader in this effort to clarify this matter and once and for all, so far as the House of Representatives is concerned, put it behind us.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. BURLESON. Certainly.

Mr. ALBERT. Reference has been made to the Hays-Alford matter. I call attention to the fact that in the CONGRESSIONAL RECORD, volume 105, part 1, page 14, a resolution was adopted by the House which provided that the question of the final right of Dale Alford to his seat in the 80th Congress be referred to the Committee on House Administration, et cetera. The House can move on a resolution at any time; nobody questions that.

The gentleman undertakes to separate the section dealing with limitations of expenses of contests from other sections in the law. If I understand him correctly he thinks a contestant under that section must have been a candidate whereas in other sections he need not have been. I do not follow this argument. For instance, under title II, United States Code, section 206, we find this language:

When any contestant or returned Member is desirous of obtaining testimony respecting a contested election—

Certainly the plain inference here, it seems to me, is that the contestant is someone who is trying to get a seat which he lost or which purportedly he lost in an election.

Mr. GOODELL. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield.

Mr. GOODELL. Mr. Speaker, it seems to me that what the gentleman is saying is that the brief from the Law Reference Service is completely wrong in saying that there are all these precedents for a noncandidate to contest an election. One of the most eminent counsels in New York City, and in the country, the gentleman inferentially says, was wrong in his interpretation of this law.

Mr. ALBERT. Mr. Speaker, may I ask whether this distinguished counsel and I am sure he is a distinguished lawyer was employed by the contestant in this case? Lawyers express opinions on both sides of legal issues. This House, not the Law Reference Service of the Library of Congress nor any individual lawyer anywhere in the country, has the responsibility of determining the qualifications of its Members and the interpretation of statutes dealing with election contests involving its Members.

Mr. GOODELL. Mr. Speaker, will the gentleman yield further?

Mr. ALBERT. I yield further to the gentleman from New York.

Mr. GOODELL. I do know that this counsel is distinguished. I do not know the terms of his employment but he was apparently employed by Mr. Frankenberry who is the contestant or the alleged contestant here.

There has apparently been $167,000 or more spent by the members of a congressional candidate's family in behalf of his candidacy. It seems to me that what the gentleman from Oklahoma is saying is that the only circumstance under which this can be investigated is by an affirmative vote by the majority of this House. There is a law with reference to contested elections designed to see to it that the American public is protected. Certainly enforcement of that law should not depend on a majority vote in the House. The law is so written to see to it that there is complete honesty and integrity in these elections.

Mr. ALBERT. The House of Representatives cannot escape the final responsibility in this matter. Under no circumstances can the House of Representatives escape its responsibility. It is our job and our duty to make the determination here.

Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Oklahoma moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

Mr. GOODELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 245, nays 102, answered "present" 3, not voting 84, as follows:

[Roll No. 6]

YEAS—245

Abbitt	Gibbons	Olson, Minn.
Abernethy	Gilbert	O'Neill, Mass.
Adams	Gilligan	Passman
Addabbo	Gonzalez	Patman
Albert	Grabowski	Patten
Anderson, Tenn.	Green, Oreg.	Pepper
	Green, Pa.	Perkins
Andrews, George W.	Greigg	Philbin
	Grider	Pickle
Annunzio	Hagan, Ga.	Pike
Ashbrook	Hagen, Calif.	Poage
Ashley	Haley	Pool
Ashmore	Hall	Price
Aspinall	Halpern	Pucinski
Bandstra	Hamilton	Purcell
Beckworth	Hanley	Race
Bennett	Hanna	Redlin
Bingham	Hansen, Iowa	Resnick
Boggs	Hardy	Reuss
Boland	Harris	Rhodes, Pa.
Bonner	Hathaway	Rivers, S.C.
Brademas	Hays	Rivers, Alaska
Brooks	Hébert	Roberts
Brown, Calif.	Hechler	Rodino
Burke	Helstoski	Rogers, Colo.
Burleson	Henderson	Rogers, Fla.
Burton, Calif.	Herlong	Rogers, Tex.
Byrne, Pa.	Hicks	Ronan
Cabell	Holifield	Rooney, N.Y.
Callan	Howard	Rooney, Pa.
Cameron	Hull	Rosenthal
Carey	Hungate	Roush
Celler	Huot	Roybal
Chelf	Irwin	Satterfield
Clark	Jacobs	St Germain
Clevenger	Jennings	St. Onge
Cohelan	Joelson	Scheuer
Colmer	Johnson, Calif.	Schisler
Conyers	Johnson, Okla.	Schmidhauser
Cooley	Jones, Mo.	Scott
Corman	Karsten	Secrest
Culver	Karth	Selden
Daddario	Kastenmeier	Senner
Daniels	Kee	Sickles
Dawson	Keogh	Sikes
de la Garza	King, Calif.	Sisk
Delaney	King, Utah	Slack
Dent	Kluczynski	Smith, Iowa
Denton	Kornegay	Smith, Va.
Diggs	Krebs	Stalbaum
Dingell	Lennon	Steed
Donohue	Love	Stratton
Dorn	McCarthy	Stubblefield
Dow	McFall	Sullivan
Dowdy	McGrath	Sweeney
Downing	McVicker	Taylor
Dulski	Machen	Tenzer
Dyal	Mackie	Thomas
Edmondson	Madden	Thompson, La.
Edwards, Calif.	Mahon	Todd
Evans, Colo.	Marsh	Trimble
Evins, Tenn.	Matsunaga	Tunney
Fallon	Matthews	Tuten
Farnsley	Meeds	Udall
Farnum	Miller	Ullman
Fascell	Minish	Vanik
Feighan	Mink	Vigorito
Fino	Moeller	Vivian
Fisher	Monagan	Waggonner
Flood	Moorhead	Walker, Miss.
Flynt	Morgan	Walker, N. Mex.
Fogarty	Morris	Watts
Foley	Morrison	White, Tex.
Ford, William D.	Moss	Whitener
	Multer	Whitten
Fountain	Murphy, Ill.	Williams
Friedel	Murphy, N.Y.	Willis
Fulton, Tenn.	Murray	Wilson, Charles H.
Fuqua	Natcher	
Gallagher	Nedzi	Wolff
Gathings	O'Brien	Yates
Gettys	O'Hara, Ill.	Young
Giaimo	Olson, Mont.	Zablocki

NAYS—102

Adair	Dickinson	Moore
Anderson, Ill.	Dole	Morse
Andrews, Glenn	Duncan, Tenn.	Mosher
	Edwards, Ala.	Nix
Andrews, N. Dak.	Ellsworth	O'Konski
	Erlenborn	Pelly
Arends	Findley	Quie
Baldwin	Ford, Gerald R.	Quillen
Bates	Frelinghuysen	Reid, Ill.
Belcher	Fulton, Pa.	Reid, N.Y.
Bell	Goodell	Reinecke
Berry	Griffin	Rhodes, Ariz.
Betts	Grover	Robison
Bray	Gubser	Roudebush
Brock	Gurney	Rumsfeld
Broomfield	Halleck	Ryan
Brown, Ohio	Hansen, Idaho	Schneebeli
Broyhill, N.C.	Harvey, Mich.	Schweiker
Broyhill, Va.	Horton	Shriver
Buchanan	Hutchinson	Skubitz
Burton, Utah	Johnson, Pa.	Smith, Calif.
Byrnes, Wis.	Keith	Smith, N.Y.
Carter	Kunkel	Springer
Cederberg	Laird	Stafford
Clawson, Del	Langen	Stanton
Cleveland	Latta	Talcott
Conable	Lipscomb	Teague, Calif.
Conte	McClory	Thomson, Wis.
Cramer	McCulloch	Utt
Cunningham	McDade	Whalley
Curtin	McEwen	Widnall
Curtis	MacGregor	Wilson, Bob
Dague	Mailliard	Wyatt
Davis, Wis.	Martin, Ala.	Younger
Derwinski	Mize	

ANSWERED "PRESENT"—3

Duncan, Oreg.	Gross	Ottinger

NOT VOTING—84

Ayres	Harvey, Ind.	O'Hara, Mich.
Baring	Hawkins	O'Neal, Ga.
Barrett	Holland	Pirnie
Battin	Hosmer	Poff
Blatnik	Ichord	Powell
Bolling	Jarman	Randall
Bolton	Jonas	Reifel
Bow	Jones, Ala.	Roncalio
Cahill	Kelly	Roosevelt
Callaway	King, N.Y.	Rostenkowski
Casey	Kirwan	Saylor
Chamberlain	Landrum	Shipley
Clancy	Leggett	Staggers
Clausen, Don H.	Lindsay	Stephens
	Long, La.	Teague, Tex.
Collier	Long, Md.	Thompson, N.J.
Corbett	McDowell	Thompson, Tex.
Craley	McMillan	Toll
Davis, Ga.	Macdonald	Tuck
Devine	Mackay	Tupper
Dwyer	Martin, Mass.	Van Deerlin
Everett	Martin, Nebr.	Watkins
Farbstein	Mathias	Watson
Fraser	May	Weltner
Garmatz	Michel	White, Idaho
Gray	Mills	Wright
Griffiths	Minshall	Wydler
Hansen, Wash.	Morton	
Harsha	Nelsen	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Holland for, with Mr. Chamberlain against.

Mr. Toll for, with Mr. Harvey of Indiana against.

Mr. Roosevelt for, with Mr. Collier against.

Mr. Garmatz for, with Mr. Martin of Nebraska against.

Mr. Thompson of New Jersey for, with Mr. Battin against.

Mr. Kirwan for, with Mr. Nelsen against.

Until further notice:

Mr. Mills with Mr. Jonas.
Mr. Barrett with Mr. Corbett.
Mr. Shipley with Mr. Ayres.
Mr. Farbstein with Mr. Cahill.
Mr. Staggers with Mrs Bolton.
Mr. Macdonald with Mr. Saylor.
Mrs. Kelly with Mrs. Dwyer.
Mr. Powell with Mr. Lindsay.
Mr. Rostenkowski with Mrs. May.
Mr. Blatnik with Mr. Mathias.
Mr. Weltner with Mr. King of New Jersey.
Mr. White of Idaho with Mr. Bow.
Mrs. Hansen of Washington with Mr. Wydler.
Mr. Davis of Georgia with Mr. Minshall.
Mr. Jones of Alabama with Mr. Michel.
Mr. Leggett with Mr. Harsha.
Mr. Landrum with Mr. Poff.
Mrs. Griffiths with Mr. Pirnie.
Mr. Randall with Mr. Hosmer.
Mr. Teague of Texas with Mr. Don Clausen.
Mr. Stephens with Mr. Devine.
Mr. Ichord with Mr. Martin of Massachusetts.
Mr. Gray with Mr. Tupper.
Mr. Everett with Mr. Reifel.
Mr. McDowell with Mr. Morton.
Mr. O'Hara of Michigan with Mr. Clancy.
Mr. Wright with Mr. Watkins.
Mr. Van Deerlin with Mr. Callaway.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ADDITIONAL COMPENSATION FOR AN ADMINISTRATIVE ASSISTANT TO MAJORITY LEADER AND MINORITY LEADER

Mr. ALBERT. Mr. Speaker, I offer a privileged resolution (H. Res. 127) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 127

Resolved, That effective January 3, 1965, there shall be payable from the contingent fund of the House, until otherwise provided by law, for any Member of the House who has served as majority leader and as minority leader of the House, an additional $8,880 basic per annum for an administrative assistant.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CLOSING OF PUBLIC HEALTH SERVICE HOSPITAL AT NORFOLK

Mr. HARDY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DOWNING. Mr. Speaker, will the gentleman yield?

Mr. HARDY. I yield to the gentleman from Virginia.

Mr. DOWNING. Mr. Speaker, I completely and wholeheartedly concur with the remarks of my colleague the gentleman from Virginia [Mr. HARDY].

No one can fairly object to the closing of a Federal facility for reasons of economy, if in fact, an economy is affected and if the services of the facility can be reasonably performed elsewhere.

If the Government closes the Public Health Service Hospital in Norfolk, Va., it means that the caseload presently being served by that facility will have to be transferred to other public and private hospitals in the surrounding area.

The only nearby Government facility is the Veterans' Administration at Kecoughtan which has a historic waiting list for admission of patients. Local hospitals are nearly filled to capacity. Any

addition to the present caseload of these hospitals will severely tax the efficiency of these institutions and perhaps will require the construction of more private facilities.

Along this line, I think that we should also concern ourselves with the future. It is a reasonable certainty that some form of medicare will be passed during this session of the Congress. According to my information, the initial result of such legislation will amount to a more expanded and prolonged use of existing hospital facilities. This will mean that our local hospitals will have to accommodate an even larger number of patients. To close any existing hospital under these circumstances would further complicate an already complex situation.

I urge the Secretary of Health, Education, and Welfare to reevaluate his proposal with these thoughts in mind.

Mr. HARDY. Mr. Speaker, my friend from the adjoining district of Virginia has a lot of confidence. I want to express my gratitude to him for expressing that confidence.

Mr. Speaker, early this morning I received a telephone call from one of the newspapers in my district asking me for information about the closing of the Public Health Service hospital in my district in Norfolk. It was a complete surprise to me, as I had not heard anything about it at all. So, I was trying to find out something about this proposal and about 10 minutes before noon a gentleman from the Department of Health, Education, and Welfare came to my office and presented me with these documents which I hold in my hand.

The opening sentence in this letter of transmittal reads as follows:

Confirming the conversation between my representative and your office today, I am writing to inform you that we plan to close the U.S. Public Health Service hospital in Norfolk.

I suggested to the gentleman that maybe he would like to explain that and I asked him what conversation he referred to. And he said the conversation you and I are going to have now. Mr. Speaker, this is a new wrinkle. I am sure that we are now getting some really efficient people in some of our agencies, but I did not know that they had reached the point where they could anticipate the holding of a conversation with me and refer to it by letter as though it actually had taken place.

Mr. Speaker, I am very much disturbed about this. I am also disturbed about another thing that appeared in this letter of transmittal. A typical technique, which to me seems questionable, is exemplified in this sentence which reads:

The plan is designed to improve services by providing more comprehensive care to Public Health Service beneficiaries.

Mr. Speaker, this I really cannot comprehend. I would like to know how you are going to improve the service to beneficiaries by closing the hospitals that serve them. And, Mr. Speaker, there is another sentence in this letter that is very interesting to me. It says:

The conclusion to close the hospital was reached after a series of careful studies of the Public Health Service general hospital system.

It does not say by whom, but since the document refers to the VA, and to the Defense Department facilities, I had assumed they would know something about it. Up to this moment I have not been able to find anybody that knew anything about it. Perhaps this sentence in the letter gives us a clue. It says:

It is part of the overall plan for the hospitals which is reflected in the President's budget for fiscal year 1966.

Clearly, this is an action of the Bureau of the Budget. And, Mr. Speaker, there is a provision in here which says:

An average daily patient load of 26 active-duty uniformed service personnel would be cared for at the Portsmouth Naval Hospital.

I have talked to the commanding officer of that hospital and he said, of course, that he can absorb 26 uniformed personnel, which would be Coast Guard or Coast and Geodetic Survey personnel. But you and I know that every one he takes in will reduce the capacity for emergency treatment. Every one he takes in will reduce our mobilization reserve capacity. Then there is another statement that—

An average daily load of 56 American seamen and 1 veteran originating in the Norfolk area would be cared for at a nearby VA hospital.

The only VA hospital we have is in the district of the gentleman from Newport News [Mr. DOWNING]. I have checked with the manager of that hospital this morning, and that hospital already has 25 more patients than their capacity.

Mr. Speaker, in addition to merchant seamen and Coast Guard personnel, the Public Health Service hospital serves a number of other categories. I am especially concerned about another group—retired uniformed personnel and their dependents. Last year a subcommittee of the Committee on Armed Services made an extensive study with respect to policy regarding construction of hospital facilities by the Department of Defense and the obligation to retired uniformed personnel and to the dependents of such retired personnel. There is much that needs to be done in this area. A paragraph in the general release of HEW has this to say:

All beneficiaries now receiving care in Public Health Service hospitals will continue to receive treatment under the new plan with one exception, retired uniformed personnel and their dependents. This group is now eligible for care financed by Federal funds only if beds are available and are not needed for other patients. Under longstanding policies, plans for expansion of facilities make no specific provision for this group and these plans may act to limit the availability of care for them. However, to the extent that beds may be available either in PHS hospitals or those of other uniformed services, they will continue to receive care.

Mr. Speaker, this flies in the face of the report issued by the Armed Services Committee last year, and the announcement, in effect, says that future retirees and their dependents will very likely have to provide needed hospital care themselves through the civilian community. I call particular attention to the statement "under longstanding policies, plans for expansion of facilities make no specific provision for this group." It may be that we shall have to revise this policy somewhat if, in fact, it is one of long standing. However, it was the subcommittee's finding that these policies were instituted as a result of a Bureau of the Budget inspired study in 1962 which recommended a policy of not including any beds for retirees and their dependents in new hospital construction.

Mr. Speaker, I cannot help but feel that this announcement of closing of Public Health facilties was made without adequate study of the needs of the persons who are now served by these hospitals.

In testimony before the subcommittee of the Armed Services Committee last year, the Chief of Medical Services of the Public Health Service stated:

Since the Medicare Act became effective in 1956, the division of hospitals has served in all its inpatient and outpatient facilities, active duty, dependents, and retired personnel of the military services on a cross-servicing basis. It also has responsibility for medicare activities for uniformed service personnel of the Public Health Service, Coast Guard, and Coast and Geodetic Survey.

Cross-servicing in the division of hospitals since medicare has been valuable both to the Public Health Service and to its beneficiaries. It has provided comprehensive inpatient and outpatient medical care to beneficaries at locations convenient to them. The presence of pediatric and female patients in this group has changed the division of hospitals' clientle from a predominantly middle-aged male population to one which includes both sexes and all ages. This has been of particular benefit to our training programs for interns, residents, and other health personnel.

In terms of cross-servicing workload, in fiscal year 1963 approximately 9,600 or 18.3 percent of the admissions to all hospitals of the division of hospitals were beneficaries of the military services; that is, active duty, dependents, and retirees. This same group constituted an average daily patient load (ADPL) of 322 or 6.9 percent of our total ADPL.

Of course, I am concerned with achieving governmental efficiency and I believe my record of performance in the Congress attests to my efforts in this direction. I do not, however, believe in false economy and I think this entire decision should be reviewed very carefully before these hospitals are permitted to be closed.

APPORTIONMENT OF STATE LEGISLATIVE DISTRICTS

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include the text of an article.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, the U.S. Supreme Court has wrongfully usurped the right to decide how State legislative districts are to be apportioned.

Yesterday, I introduced a resolution calling for a constitutional amendment to

reassert and reestablish this vital and fundamental principle of States rights.

The ruling of the Supreme Court last June requiring that both houses of State legislatures be apportioned solely on the basis of population wrongfully usurped a right from the people.

The Illinois Legislature has this month begun a remap of State senate districts not because the people of Illinois think it should be done, but because the U.S. Supreme Court has so ruled.

Clearly this development will shift still more power over Illinois State government to Chicago machine politics and therefore harm downstate Illinois interests.

The hour is late. Remap of legislatures is underway in many States. I have introduced a new resolution, and several other Congressmen have joined me in it. We hope the force of numbers will result in new hearings, and hopefully affirmative action. If the Congress should adopt my resolution, or one similar to it, I am confident it would be quickly approved by the necessary three-fourths of State legislatures.

The people are the sovereign power in our form of government. My resolution would establish and clarify the right of the people to decide whether they wish to follow the system always used by the Federal Government, in having one house of the legislature of their State apportioned on the basis of factors other than population.

I present here the text of a valuable study of the reapportionment battle prepared by Mr. Claude W. Gifford, associate editor of Farm Journal magazine:

THE STORY BEHIND THE REAPPORTIONMENT BATTLE

(By Claude W. Gifford)

There are a number of interesting, urgent matters that you and I could talk about on this occasion. Matters of extreme consequence and importance to us as farmers, as rural people, and as citizens.

We could talk about the need for us, as rural people, to recognize that we are a minority now in this maturing Nation * * * about the necessity for a program to keep rural residents from being oppressed by an uninformed majority * * * about things that we could, and should, do about that.

We could talk about the increasing tendency for the powers of government to become centralized and concentrated in the Federal complex in Washington, D.C.

We could talk about the failure of State governments to live up to the challenge of the day—with the unfortunate result that they are becoming weaker in spirit, in accomplishment, in purpose, and in reputation.

We could talk about the decline in the power of the Congress of the United States, partly because it is surrendering to the executive and judiciary branches, and partly because we are not always electing the kind of men to Congress who will see that the legislative branch is kept strong.

We could talk about the increased meddling of the Office of the Secretary of Agriculture in the affairs of farmers—particularly in the citizenship area of making farm policies.

We could talk about how radio and television—and the national political parties—have made the office of the President of the United States a far more powerful position than the framers of the Constitution ever intended.

We could talk about the fact that the Federal Government has usurped much of the tax revenue of the Nation, and has so taxed the people that local sources are hard put to find the money to carry out their all-important local governmental functions, with the result that the Nation sits with open palms directed toward Washington, D.C., which controls more and more government functions because it has reached over the heads of State and local governments and tapped the well which is the source of funds for governmental activity.

We could talk about the organized, full-scale efforts of some groups to make the Federal Government into a cradle-to-the-grave welfare agency whose purpose is not so much to govern lightly and well, but to give, and give heavily.

We could talk about the conscious effort to harness farmers perpetually with direct payments, controls, and dependence on political processes for markets—out of which it is hoped to crush farmers' historic independence and make them hopelessly reliant on political majorities.

Instead of these, however, let us talk about something that is far more serious, with consequences much more drastic, direct, and imminent, and something which worsens each of the problems we have mentioned. It is the 6-to-3 decision of the Supreme Court on June 15, 1964, which directed more than 40 States to overhaul their State legislatures, and tear up their State constitutions so that districts in both the upper and lower houses of their State legislatures will have substantially the same number of voters.

The six majority members of the Court held that the Constitution demands that population alone be considered in making up State senatorial districts and that each State senator must represent as close to the same number of people as practical.

We know it as the reapportionment problem—something which has caused its share of consternation in the State of Iowa.

The crux of the matter is that States have apportioned their upper houses since 1776—11 years before the National Constitution was written—on factors supplementing population alone; such as along county or other geographical, historical or political lines. The Colonies were doing it from 1700—87 years before we had a National Constitution.

Many of the Nation's citizens do not begin to appreciate fully the sweeping consequences of this June 15, 6-to-3 Supreme Court decision. This is so often true of any situation of great historical importance.

Let's tell a historical story, which will get us to where we now are in our reapportionment problem.

The story really starts on May 24, 1607, when three small ships bobbed up the river at Jamestown, Va., and planted 105 men and women on land. Thirteen years later in 1620 slightly more than 100 men and women landed in New England at Plymouth Rock after 64 cramped days on the *Mayflower*. Thus was the beginning of our Government—both in form and in philosophy.

The Virginia Colony was a trading company of 105 adventurers looking for fortune and new opportunities.

The Pilgrims of the Massachusetts Colony were a religious minority of 100 who had been persecuted in England because they didn't worship the way the majority thought they should. They had been so put upon for their beliefs that they left England to escape the oppression and had gone to Holland where a trading company raised money to send them to the new land in America. The investors put up money, the Pilgrims put up themselves, and after 7 years in America the backers and the Pilgrims were to divide the capital and profits equally.

The Pilgrims, before sailing, tried to get a charter from King James of England, giving their expedition official approval. He refused, but he was glad to get rid of these restless political agitators, and said that he wouldn't bother them if they behaved themselves. So they got a settling permit from the Virginia company and set out, only to land far north of their mark in New England. Being under no auspices there, they got together in the cabin of the *Mayflower* and formed a local government called the Mayflower Compact. Forty-one men signed the self-governing pact and elected John Carver their first Governor.

Massachusetts set up an almost independent State and got a taste of freedom and self-government. It wasn't until much later that they had to submit to the Crown.

In Virginia, the members of the trading company, operating with a charter, also formed a set of rules—a government. They made the laws to govern themselves in this New World.

Following this, all kinds of men and women came to America. Adventurers seeking new opportunities. Minorities seeking freedom from government oppression. Peace-loving men fleeing military conscription. Rebels fleeing their enemies. Debtors. Farmers. Religious enthusiasts.

You didn't leave everything behind and cross raging seas in a teacup of a ship without courage, daring, a burning desire to be free, and deep belief in Providence, and without being driven by an inner, compelling force. Many who came, came with a belly full of despotism and oppression. They were willing to sell their services for years to pay passage in order to find freedom.

A spirit of freedom and self-reliance grew as men fought the frontier together in a life-and-death struggle far from national governments. Your religion was your own business. What you had been didn't count—only how good a pioneer you were. And these men got practice in running their own affairs. They got used to being free. Men had value.

The genius of the developing American Government was that it started from small trading corporations which established the separate colonies. These people started out—not to make a new nation from political theories, but to make commercial ventures work in a completely new and difficult environment. These men came to America free of laws, but the first thing they did was make their own to govern a small group and improvise and test new governmental forms as the group grew larger.

The first instruments of government were charters from the mother country; much as the Rhode Island patent which said, in effect, to the trading company: You who are members make whatever rules the majority can abide by. First, the members of the trading companies met regularly and made the laws. Then as more people came, it was often inconvenient and awkward for all to meet—so, as in Massachusetts, they provided that when they couldn't all get together they could elect delegates to make the laws. They were to be guided by these laws made from time to time, they said, and when there were no laws they were to be guided by the word of God.

The Maryland Charter for the first time, in 1632, gave the lawmaking power directly to the people of the colony by electing delegates, if they chose.

From Massachusetts people migrated to an area around Hartford, Conn. There these people fashioned the first constitution made solely on American soil without any outside interference—without even a charter. It provided for a regular assembly of delegates to represent the people. The assembly counseled wtih the Governor and his council. The Governor's council, here and elsewhere, was the forerunner of the upper house, or senate. This became the basic form of government all through the colonial period.

What had started out as charters for members of trading companies became constitutions for the people.

In 1669 the Carolina constitution provided for two houses—an upper and lower house.

The Concessions of West Jersey followed in 1677, providing for trial by jury; the New Hampshire Royal Commission followed in 1680.

Two years later, in 1682, William Penn set up his Pennsylvania government, with a constitution, the second made in America with no outside influence. It said that governments were of divine origin. Governments, said Penn, depend on men rather than men on governments. The great end, he said, is to "secure the people from the abuse of power * * * any government is free to the people under it where the laws rule and the people are a party to those laws, and more than this is tyranny, oligarchy and confusion." And this was 94 years before the Declaration of Independence, and 105 years before our National Constitution was written.

Already established at this time were the Colonies of Virginia (1607), New York (1614), Massachusetts (1620), New Hampshire (1623), Maryland (1634), Rhode Island (1636), Delaware (1638), North Carolina (1650), New Jersey (1664), South Carolina (1670). The only 1 of the 13 Colonies not yet established was Georgia (1733).

But it was only 2 years before Charles II became convinced that the colonies had become so independent that they required overhauling; Massachusetts, most of all. So he annulled the Massachusetts Charter on June 18, 1684, and for 7 years Massachusetts chaffed under direct royal rule. Then Mary and William granted Massachusetts a charter again in 1691, providing a Governor appointed by the Crown, but the people could elect a general assembly which was to select 28 members of a second house to represent the 28 different provinces of Massachusetts. And the selection of this second house became the direct forerunner of the practice of selecting State senators to represent geographical areas. This was almost 100 years before we adopted our National Constitution.

By 1700 the American people had generally made the colonial senate an upper house with its members representing districts. And this was 87 years before the National Constitution was formed.

The period of 1700 to 1775 was one of colonial legislative experience and abuses. Governors were appointed by the Crown, and the Governors could dissolve the legislature at will, keeping them from meeting until ready to agree to their demands. You could be jailed for treason for speaking against the government. Your house could be searched without a warrant; you could be seized without protection of law, and not always with advantage of a trial by jury. Your property could be confiscated. You could be taxed without representation.

People learned that strong central governments, and majorities, could be most oppressive—in America, as they had been in Europe.

The Colonies, it was thought in Europe, existed for the benefit of the mother country. And the British Parliament, seeing the rising economic possibilities in the Colonies, began to make laws for a country they had ceased to understand—and for a people who had grown more and more to depend on themselves and their own local government. To the people on the frontier, the English King was far away. What could the King do for them in their struggle with the wilderness?

The Colonies saw the Stamp Act of 1765 as the final straw, tyranny from the outside. If England could do this without their consent, she could, and would, do more. The Colonies yelled so loudly that the Stamp Act was repealed. But in the protesting, they yelled about such things as liberty, as one Patrick Henry did in Virginia when he shouted the bold words "give me liberty or give me death," which rang in the hearts and minds of freedom-seeking men the length and breadth of the Colonies.

This wasn't theory of government. The pioneers had liberty, had tasted it, had lived it, and they intended to keep it.

Lord North, English Prime Minister, pompously announced that "America must fear you before she can love you." Let's show the Colonies that we can tax them by putting a tax on tea. It won't be much, but it will be something, and it will establish the principle that we can tax them.

So the two principles met head on. The English principle that she'd show the Colonies that they could be taxed, even without the representation they shouted about. The colonists' principle that if we let them do even this, we can expect more, so let's not pay the tax, even on tea. America had broken away from England, both politically and spiritually.

The tea came, with the tax. And a band of men from Boston met it in the harbor on December 16, 1773, and dumped it overboard. Little did they suspect the historical importance of what they were doing.

The English felt that they couldn't back down; the colonists knew they wouldn't. The English closed the port of Boston, and once again annulled the charter of those independent, rabble rousers from Massachusetts.

The colonists responded by calling a Continental Congress in Philadelphia the following September 1774. And on the next April 19, 1775, in Lexington, Mass., a small farm town, British regulars from Boston came to confiscate the munitions of farmer Minute Men.

"Disperse, you rebels," shouted the British captain.

The American captain responded to his men: "Don't fire unless fired upon—but if they want a war, let it begin here." Shots rang out. The Revolution began.

It was a war over what kind of government the Colonies were to have; over what kind of freedom men should have.

The call went out for the 13 Colonies to form State constitutions in keeping with the move for freedom and independent government. They did. The first was New Hampshire's on January 5, 1776. It provided for two houses in the State legislature—the upper house to consist of 1 person from each of 12 counties. It was a senate based on area apportionment. One house was to be a check on the other.

Next was the South Carolina constitution on March 26, 1776—two houses in its State legislature. The chief executive was called "President and Commander in Chief"—the first that this had appeared.

On June 7, Richard Henry Lee, of Virginia, rose in the Continental Congress and moved that "these United Colonies are and of right ought to be free and independent States."

Meantime, on June 29, 1776, Virginia completed her constitution. Two houses; one a senate which represented districts larger than counties. (This was the first time the word "Senate" was actually used to describe the upper house—but 11 years later at the time of the Constitutional Convention all but New Jersey and Delaware called it the senate.) Laws must pass both houses. The Virginia bill of rights was to make up the opening paragraph of the Declaration of Independence 5 days later. And the Virginia constitution made it clear that legislative, executive, and judiciary should be separate and no person should ever exercise two of the functions. They had seen the European despotism where one man was legislator, executive, and the judiciary all in one. And they had seen the oppression in the Colonies when these three functions of government were not clearly separated, one from another.

New York was next with a constitution on July 3, 1776—two houses; the lower house to originate all money bills, a principle which was to be copied 11 years later by the National Constitution.

On July 4th the Declaration of Independence was signed, announcing to the world the birth of a new nation. It set down the principle that governments derive their powers from the consent of the governed. "Governments are instituted among men," it said, "deriving their just powers from the consent of the governed * * * Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes."

The Delaware constitution came then on September 21, providing for the first method of amending a State constitution, to be done by the assembly.

Pennsylvania came next on September 28, providing for amendments to the constitution to be made by a vote of the people. Constitutions, the foundations of free governments, were to be made and changed by the people.

Pennsylvania provided for only one house in the State legislature, but it soon had more than enough of the recklessness of one body, unchecked, and set up two houses, one to be a check on the other.

Maryland was next on November 11, 1776. Her constitution carried an advanced bill of rights, copied later, and in many instances word for word, by the Bill of Rights of the National Constitution: Freedom of speech, trial by jury, right to petition, right of search, quartering troops. And senators were to be chosen by counties.

Then came the constitutions of North Carolina and Georgia; then New York on April 20, 1777, providing for a Governor's veto over legislative acts, but which could be overruled by two-thirds of the house and senate. The branches of government not only would be divided, one would be a check on the other. This is to be copied by the National Constitution 10 years later. They were well aware of the King's vetoes, where he had as many as 5 years to negate legislative acts, and then could do it absolutely.

Next came the constitutions of Vermont, South Carolina, Massachusetts, New Hampshire with a second constitution in 1784, Vermont with a second in 1786.

These constitutions were not copied from a foreign source; they were not the result of theories of government; they were the products of legislative practice, following nearly 200 years of colonial experience.

In the early colonial governments, the legislature checked on the Governor; but in 1776 the legislative lawmaking power became the foundation of representative government.

And fundamental was an upper house, a senate, representing geographic districts within the States—two houses to provide a check against each other.

(Anyone can check the development of the senate body. It started in Virginia in 1611, followed through the Massachusetts charter in 1629; the Fundamental Orders of Connecticut in 1638; in the Connecticut charter of 1662; in the Rhode Island charter of 1663; in the Concessions of East Jersey in 1665; in Locke's Carolina constitution of 1669; in the 1674 amendments to the Concessions of East Jersey; in the commission for New Hampshire in 1680; in the Pennsylvania Frame of 1696; in the Pennsylvania charter of 1701; in the Georgia charter of 1732; in the New Hampshire constitution of 1776; in the South Carolina constitution of 1776; Virginia constitution of 1776; New Jersey constitution of 1776; Delaware constitution of 1776; Maryland constitution, 1776; North Carolina constitution, 1776; Georgia constitution, 1777; New York constitution, 1777; Massachusetts constitution, 1778; South Carolina constitution, 1778; New Hampshire constitution, 1778; Massachusetts constitution of 1780; New Hampshire constitution of 1784; Randolph's plan for a national constitution in 1787; Pinckney's plan of 1787; and the National Constitution, 1787.)

While the State constitution making was going on, a revolution was raging. It was 7 years from the shots at Lexington until Cornwallis surrendered at Yorktown, Va., on October 19, 1781.

The new Nation staggered under debt. Its credit nil; its money not worth a continental.

There followed 6 years of Confederation of the 13 States: Loose government, bickering, State rivalries, import duties against each other, reprisals and retaliation, jealousies, riots in Pennsylvania and in New Hampshire. The Government grew weaker and by 1784 four States were absent from the Continental Congress; three withdrew in disgust; and the rest went home.

Then Noah Webster suggested that the Government act directly on the people instead of primarily on the States, and that the Government be modeled after the States.

The need for action was brought to a head with Shay's Rebellion in western Massachusetts in January, 1787. A call went out for a national Constitutional Convention to try to regulate commerce between the States and iron out the governmental problems of the new Nation. They came thinking that Noah Webster's idea had much merit, though he was never to get real credit for it.

Fifty-five came to the Constitutional Convention in the Nation's largest city of 30,000 inhabitants, Philadelphia, on May 25, 1787. They included Washington, Franklin, Madison, Hamilton, Randolph, Mason, and Dickinson.

The average age was 42. They were men tried by war and revolution. More than half, 29, were college graduates; 10 from Princeton. Fifteen owned slaves; 4 were under 30; Franklin, 81, the 10th son of a Boston soapmaker and who had left school at 10, but perhaps the most learned of the group, was so feeble that he asked others to read his notes to the Convention. George Washington had to borrow $500 to make the trip.

Jefferson was in France on a diplomatic mission; fiery Patriot Patrick Henry "smelled a rat" and refused to come.

For 4 hot months and 1,840 speeches the Convention made its history.

Through the Convention ran the conviction that the executive, legislative, and judiciary should by all means be independent. And there was a strong feeling against giving the Executive too much power.

Franklin reminded them that in a republic the people are the rulers, the officers are the servants.

The Convention sat continuously from May 25 to July 27 without a recess. The proceedings were secret, lest the people become alarmed about the many propositions they considered. But fortunately, a few of the delegates kept excellent notes, Madison most of all. The official transcript of the secretary was much less complete and revealing.

The delegates worked hard; debated; heard and voted down countless proposals; gave tentative approval to several.

One of the arguments was over representation in the upper House, or Senate. It was Franklin, from one of the largest States, with 400,000 population—10 times that of Delaware—who proposed on the convention floor "that the legislators of the several States shall choose and send an equal number of delegates who are to compose the second branch of the General Legislature."

On July 27 the Convention adjourned for 10 days while a committee of five could work out compromises and clear up wording. While Rutledge, of South Carolina, Gorham, of Massachusetts, Ellsworth, of Connecticut, Wilson, of Pennsylvania, and Randolph, of Virginia, labored over the 22 resolutions passed up to that time, Washington journeyed out 25 miles to Valley Forge to fish for trout. In his diary he scarcely mentioned how Valley Forge looked, 10 days after his encampment there, but he wrote at length about talking with some farmers along the way about methods of raising buckwheat.

In those 10 days the committee of detail made a basic constitution out of the summer's work which was completed and polished by a committee on style, and passed and signed on September 17, 1787. But was it that—only a summer's work by an inspired group of men? Gladstone wrote: "The American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man." But it was more. It was the product of an evolutionary process that stretched across nearly 200 years of living experience on American soil. Very few things—and those minor—appeared in this Constitution that hadn't already appeared in 1 or more of the 13 State constitutions.

It wasn't a government of theory. It wasn't exactly what Franklin wanted; nor Hamilton; nor Randolph; nor Jefferson; nor Gouverneur Morris, who spoke more often than any other of the 55 men; nor a constitution of George Washington, the Convention chairman, who made only one speech from the Convention floor. But it was the best of these men and their experiences.

It was a government of practice. We had actually had more experience at the time in constitution making than any other people in the world. We had had as many years experience in making governments on American soil prior to 1787 as we have had since.

The Constitution arose from the evolving practice in 29 colonial charters and constitutions, 17 revolutionary constitutions, and 23 plans of union—in all, 69 different forms of government in actual or contemplated operation.

That is why the framers of the Constitution constructed a form of government unequaled in its genius, before or since.

They made a government with a division of powers. The legislative, executive, and judiciary were to be distinctly separate from each other. They were to be a check on each other to prevent a concentration of power.

Congress would make all the laws. All money bills were to originate in the lower House, whose delegates were to represent equal numbers of people. The Senate would "advise and consent" with the Executive on a variety of things; its Members to represent the historical, social, economic, and geographical entities—the States, two Senators to each one. Both Houses must pass on all laws—one being a check upon the other.

The Executive would carry out and apply all laws. He must sign all congressionally approved bills within 10 days or they would become law anyway; but he could veto legislative acts. A check on the legislature. But the Congress could pass laws over his veto by a two-thirds majority vote. A check on the Executive.

However, the Supreme Court was to serve as a brake on hasty legislation. If the Court declared a law unconstitutional, only the people could do anything about that. The people could, however, start a slow process of constitutional amendment to override Court decisions. The Convention delegates were well aware that courts needed a check—that King Charles I, of England, had gotten the judiciary to support the divine right of kings, just as Louis XVI did a century and a half later in France.

Basic then, was that all power was to flow from the people. The people were to make the Constitution, elect the Executive and the Legislature. Laws were to conform to the Constitution. And only the people could change the Constitution.

The power that the people were to give to the Federal Government was to be explicit, spelled out. Anything not spelled out for the Federal Government was to remain with the States. A check of the States on the Federal Government. The Bill of Rights ends with the statement: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

It was a government of checks and balances; a government with an intentional, built-in slowness to change; the people to have all power, spelling out what they would permit the Federal Government to do, reserving the rest of their governmental functions and expressions to their own States and local governments.

And to prevent unnatural forms of governments from arising through the States to devour the Union, article IV declares that "The United States shall guarantee to every State in this Union a Republican form of Government."

It was a government that echoed the years: "Governments are of divine origin." "The great end is to secure people from the abuse of power." "Governments depend on men rather than men on governments." "The people are the rulers, the officers are the servants." "Governments derive their just powers from the consent of the governed." "Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes."

And it is with this background that we address ourselves to the June 15, 1964, 6-to-3 decision of the Supreme Court on apportionment of State senators.

Briefly, the six majority members of the Supreme Court said last June 15:

1. That seats in both houses of State legislatures must be apportioned solely on a population basis, and that the population in each district of the upper house, as well as in the lower house, must be as nearly equal as possible.

2. That political equality can mean only one thing: "One person, one vote." And that one political district being larger than another political district is "counter to our fundamental ideas of democratic government." And "legislators represent people, not trees or acres * * * people, not land or trees or pastures, vote * * * citizens, not history or economic interests, cast votes."

3. That the vote of a citizen in a district with larger population is debased inasmuch as his vote counts for less; that he is, therefore, less of a citizen; and, as such, he is denied equal protection of the law under the 14th amendment. The first section of the 14th amendment declares that no State shall "deny to any person within its jurisdiction the equal protection of the laws."

4. That the Federal system of apportioning Senators by geographical area (two to a State) is not a sound example for State legislatures to copy because the Federal system grew out of unique historical circumstances and was conceived out of compromise between 13 large and small, independent, sovereign States. They said: "The Founding Fathers clearly had no intention of establishing a pattern or model for the apportionment of seats in State legislatures when the system of representation in the Federal Congress was adopted." They quote Thomas Jefferson as writing in 1816 that "a government is republican in proportion as every member composing it has equal voice in the direction of its concerns * * * by representatives chosen by himself." And in 1819: "Equal representation is so fundamental a principle in a true republic that no prejudice can justify its violation because the prejudices themselves cannot be justified."

The Court, therefore, ruled 6 to 3, that six States (Alabama, Colorado, Delaware, Maryland, New York, and Virginia) whose apportionment cases were before the Court on June 15, must reapportion both houses of their State legislatures on a population basis, and that alone. The following week the Court, in another series of decisions,

nullified the legislatures of an additional nine States (Michigan, Washington, Oklahoma, Illinois, Idaho, Connecticut, Florida, Ohio, and Iowa). But the basic decision applies to more than 40 States which apportion districts in one or both houses of their State legislatures partly on population and partly along historical, economic, geographic, or county lines.

The June 15 decision was an astonishing departure from previous Court opinions dating from the 1800's. These previous Courts held that apportionment of State legislatures is a political question reserved for the States, and that the Supreme Court does not have jurisdiction in such cases.

Justice Harlan, in a vigorous dissenting opinion on June 15, said: "It is difficult to imagine a more intolerable and inappropriate interference by the judiciary with the independent legislatures of the States."

Of course, trees and acres, and economic interests don't vote, Justice Harlan acknowledged, "But it is surely equally obvious, and, in the context of elections, more meaningful to note that people are not ciphers, and that legislators can represent their electors only by speaking for their interests—economic, social, political—many of which do reflect the place where the electors live."

The aftermath of the decision of the majority, said Justice Harlan, "will have been achieved at the cost of a radical alteration in the relationship between the States and the Federal Government. (The Court) does not serve its high purpose when it exceeds its authority. * * * For when, in the name of constitutional interpretations the Court adds something to the Constitution that was deliberately excluded from it, the Court in reality substitutes its view of what should be so for the amending process * * * it has strayed from the appropriate bounds of its authority * * * what is done today deepens my conviction that judicial entry into this realm is profoundly ill-advised and constitutionally impermissible."

Justice Stewart joined Harlan in the dissent. "The Court's answer is a blunt one, and, I think, woefully wrong," said Justice Stewart. The majority holds that "the fundamental principle of representative government in this country is one of equal representation for equal numbers of people * * * I think this is not correct, simply as a matter of fact."

Justice Stewart quoted ex-Justice Frankfurter on an earlier case who said that this (equal representation) "was not the colonial system, it was not the system chosen for the National Government by the Constitution, it was not the system exclusively or even predominantly practiced by the States at the time of adoption of the 14th amendment, it is not predominantly practiced by the States today."

"To put the matter plainly," said Stewart, "there is nothing in all the history of this Court's decisions which supports this constitutional rule * * * (it) finds no support in the words of the Constitution, in any prior decision of this Court, or in the 175-year history of our Federal Union.

"Uncritical, simplistic, and heavyhanded application of sixth-grade arithmetic," summed up Justice Stewart "if geographical residence is irrelevant, as the Court suggests, and the goal is solely that of equally 'weighted' votes, I do not understand why the Court's constitutional rule does not require the abolition of districts and the holding of all elections at large."

To summarize, in our own words, and in less legal terms, we can see that the Supreme Court majority of six is claiming that the Court, not the people, has jurisdiction over how State legislatures will be set up. The Court declared a new Colorado apportionment plan invalid, even though the people in a 1962 statewide referendum had approved it in every county of the State. Colorado had rejected an alternative plan to place both houses on a straight population basis.

By this action, the majority Court declared that they, six men, can amend the Constitution—not only of the United States, but of the 50 States as well. The framers of the Constitution were careful to give this amending power to the people alone.

If in the Constitutional Convention of 1787 a plan had been proposed before Madison, Morris, Randolph, Hamilton, and the others that the Supreme Court should have jurisdiction over the makeup of State legislatures, it would have gotten nowhere.

If in 1787 these present-day majority six had proposed that the Supreme Court be given the power to amend the Constitution, they would have been run out of Franklin's town for proposing a centralization of power in one branch of the legislature—something that would have raised the hair on the necks of people that had been bowed before strong central government for generations. They who had just fought a war over the issue of a strong, despotic Ceneral Government that imposed itself on the people against their will.

By declaring on June 15 that what we have is not representative government, the majority six, in effect, charged that our American Government has been a farce since the Revolutionary War. They are indulging in pure theory. The Constitution guarantees each State a republican form of government, but the majority six did not use this part of the Constitution to attack the government of the States. What they said is that the States do not conform to their own ideas of representative government.

The majority six quote Jefferson as saying that proportional representation is a fundamental principle of a true republic.

They also could have quoted a Chief Justice of the Supreme Court, Earl Warren, now one of the majority six, but who while Governor of California in 1948 said: "The agricultural counties of California are far more important in the life of our State than the relationship their population bears to the entire population of the State. It is for this reason that I never have been in favor of restricting their representation in our State senate to a strictly population basis. It is the same reason that the Founding Fathers of our country gave balanced representation to the States of the Union, equal representation in one House and proportionate representation based upon population in the other.

"Moves have been made to upset the balanced representation in our State, even though it served us well and is strictly in accord with American tradition and the pattern of our National Government.

"Our State has made almost unbelievable progress under our present system of legislative representation. I believe we should keep it."

This agreed with Madison who wrote in The Federalist (No. 62): "In a compound republic, partaking both of the national and Federal character, the government ought to be founded on a mixture of the principles of proportional and equal representation."

But as we pointed out earlier, our Government arose from practical experience, not theory, and it is not the exact form that Franklin, Madison, Jefferson, or other individuals wanted. And let's hope that in this day, we don't make it a government of what six men want.

By their June 15 decision, these six men are saying that hundreds of court justices—equally omniscient as they—have been wrong down through the years for maintaining that State legislatures were a political matter for the States and the States people to determine.

In saying that States are not sound in copying the Federal Senate's geographical apportionment, the majority six are overlooking the fact that it was the Federal Constitution which copied State systems, and that State and colonial senators have been apportioned partly along geographical and political lines since 1700. In no case that I can find was an upper house in colonial and Revolutionary times elected by proportional representation of districts equal in population.

In saying that basic representation is based on equal numbers, and equal numbers alone, the six are overlooking that each State is "unique in terms of topography, geography, demography, history, heterogeneity or concentration of population, variety of social and economic interests, and in the operation and interrelation of its political institutions," as pointed out by Justice Stewart.

The Indianapolis Star commented: "The Court deals with people as a sack of marbles. They are to be rolled out on the table top and divided into equal piles."

The real essence of federalism is reserving certain defined powers to each component part. But democracy, in the sense of the majority six, is "winner take all" with minorities having no rights that the majority can't override, suggests Felix Morley.

What people really want is good and balanced representation. And good representation where one State senator looks outside his downtown city office and sees the rooftops of all his constituents in a compact area of homogeneous interests is quite different from good representation of constituents by a State senator who comes from a large rural area of farmers and many small towns—with their many interests, backgrounds, economic problems, and diversity.

Good representation in government for a citizen does not stem from equal numbers—it does not even start there. It is born of the relationship between citizens and their representatives; the availability of the representative; the feeling of rapport between citizens and their elected representative; the flow of information, ideas and response between citizens and their representative; and the effectiveness of the representative in understanding the interests of his people and relating it to the national welfare.

The great responsibility of American representative government is for the representative of districts to really represent—represent not just numbers, and equal at that, but represent the views and needs of the people in the crucible of the State legislature.

Rural people, and those in small towns, are by distance, availability, and diverse interests harder to represent effectively than more homogeneous concentrations of population in concentrated areas.

Counties perform many important functions for unincorporated areas—things such as zoning, park and recreation services, street and road construction, sanitation, schools, public welfare, police and fire protection, licensing—all of which justify county representation in the councils of State governments.

The majority six have violated the principle of the separation of powers. They have taken over the amending process reserved for the people themselves. The selection of one house on the basis of area has developed as a part of our American governmental system since colonial days; it has become intertwined in the warp and woof of our governmental fabric; and now six men seek to rent it apart, willfully and unilaterally, without consulting the Congress, without public debate, and without consulting the people of the Nation.

"It amounts to judiciary rewriting * * * shocking judicial arrogance," says Columnist William S. White.

The Court did not say to States who were admittedly delinquent in apportioning their State legislatures: "Live up to your State constitution and apportion as the people wish." Instead, the six said: "Live up to our

ideas of what we think your constitution and apportionment should be." The six have roped off State reapportionment as an area for their judgment, and their judgment alone. The lower courts, they say, are going to be their agents as the sole authority for what is "proper" apportionment and representation. Not the people; not the States; but the courts.

And the haste with which the courts have proceeded to carry out the June 15 decision suggests that they want to get it done before people wake up to the seriousness of what has been proposed. Instead of being a brake on hasty governmental action, the Court is a party to it—and the perpetrator. They have invaded the political arena to settle a question of politics with judicial power—through a plan hastily conceived and hastily executed, without the benefit of thorough public discussion.

People never intended for appointed officials to determine political questions. They intended that these questions should be determined by themselves or by those who are both responsive to the voters and responsible to them.

If the Court can apportion a State against the will of the people, then it can dictate how your county, your township and your local school board will be run. "If nothing is done, this is only the beginning of Federal interference," says Representative WILLIAM M. MCCULLOCH, of Ohio. "The composition of every political subdivision in the Nation may be subject to the dictates of the Supreme Court * * * the circuit court of Kent County, Mich., pursuant to the Supreme Court decision, ruled (in September) that the county board of supervisors was elected under an unconstitutional apportionment. Every city council, city ward, irrigation, flood control and sanitation district, and board of supervisors, among others, may have their membership apportioned by the mandate of the Supreme Court."

The decision of the majority six is illogical. How can a voter in a State with unequal population districts be "debased" statewise and not be debased federally where 408,000 people elect two U.S. Senators in Nevada and 18 million people—45 times as many—elect two U.S. Senators in the State of New York? Is the city of New York debased in the U.S. Senate when that city has no Senators it can call its own, but has more population than 43 States that do have two Senators each? And is the majority six saying that the Federal Senate is a farce; not representative government? "They imply that it is somehow un-American and undesirable," writes Felix Morley.

The U.S. Senate is made up in such a way that 26 States having only 16 percent of the Nation's population exercise a majority in the Senate. Yet we haven't heard that the other 84 percent of the people are so deprived and debased that they want to throw out the Federal Senate and tear up the National Constitution. Or is this next for the majority six?

The two Iowa Senators do not represent trees or acres or pastures. Indeed not. They represent the great State of Iowa. They represent a State with a unique contribution to the Nation. A glorious State with its own economic, historical, and social history, strength, needs, problems, aspirations, honor, and people. It is a complex that the six men in Washington, D.C., have ceased to understand. I, for one, would not abide the charge that Iowa's two Senators represent trees and acres. And if I were one of Iowa's two Senators, I would be working day and night—as I trust they are—to see that the people had an opportunity to set the six men straight about that.

In summary we can say that the decision of the majority six:

1. Has no historical basis.
2. Has no basis in the Constitution, as constructed.
3. Is illogical.
4. Is a violation of the amending powers of the Constitution.
5. Is an invasion of States rights.
6. Is an overextension of historic, expressed powers of the Court.
7. Thwarts the checks and balances and caution built into our Government.
8. Is an impulsive creation of our overanxious Court.
9. Denies fundamental protection to the minority.
10. Propels an appointive Court into political matters.
11. Is government theory of six men, untested in the public processes.
12. Creates a centralized governmental monster.
13. Ignores the full content of the 14th amendment on which the decision is based.

For some unexplained reason, the majority of six, in groping for something on which to base a case last June 15, clutched the straw that is in the first section of the 14th amendment. This Reconstruction amendment was an outgrowth of the Civil War, and all reconstructed States were required to ratify it to gain admittance back into the Union. The first section says: "All persons born or naturalized in the United States * * * are citizens of the United States and of the State wherein they reside." And no State shall "deny to any person within its jurisdiction the equal protection of the laws." The reason for this, in view of the times, is obvious. It meant simply that whatever the law—it would apply to everyone, regardless of color.

But there is a second, and longer section, to the 14th amendment. It recognizes that States have exclusive power over who can vote and in what manner—so the second section provides that if the vote of any male citizen over 21 is denied or abridged in any way—in national or State elections—then the State population for purposes of governmental representation will be reduced by the proportion that the denied voters bear to the whole number of male citizens 21 or over in the State.

Justice Harlan, in his dissent, gives a clear history of the congressional debate that preceded offering the 14th amendment for State ratification. He shows that the Congressmen who constructed the 14th amendment at no time believed that it would render inoperative the several State constitutions of either loyal or reconstructed States.

Congressman Bingham, the author of the first section, said on the floor of Congress at the time that "the exercise of the elective franchise, though it be one of the privileges of a citizen of the Republic, is exclusively under the control of the States." Other speakers stated this repeatedly. This point was well understood in the Congress.

Furthermore, 15 of the 23 loyal States that ratified the amendment before 1870 had constitutions which provided for apportioning one of their houses on other than population considerations. "Can it be seriously contended that the legislatures of these States, almost two-thirds of those concerned, would have ratified an amendment which might render their own States constitutions unconstitutional?" asks Justice Harlan. And the constitutions of 6 of the 10 reconstructed Southern States provided for State legislature apportionment on bases other than population. Would these legislatures intentionally put themselves and their constitutions out of business without mentioning it?

For some reason, the majority six are silent about this part of the 14th amendment.

"I am unable to understand the Court's utter disregard of the second section which expressly recognizes the States power to deny 'or in any way' abridge the right of their inhabitants to vote for the members of the (State) legislature," says Justice Harlan. This section, he says, "precludes the suggestion that the first section was intended to have the result reached by the Court today."

Not everyone takes this view of the decision.

Organized labor was quick to sense the crippling blow to rural areas of the June 15 decision. The committee of political education of the AFL–CIO, in its COPE publication of June 29, said with obvious enthusiasm: "Curtains for rural-dominated horse-and-buggy State governments unresponsive to the needs of an increasingly urban nation."

COPE told its labor-union readers that the effect of the June 15 decision would be a "surge of responsible, progressive action within the States aimed at advancing the social and economic welfare of their citizens."

COPE applauded: "The Court pitched a third strike against lopsided representation which has given the rural voter a powerful advantage over his city and suburban counterpart. And, as in baseball, three strikes means you're out."

Senator GEORGE AIKEN, of Vermont, says, "Once both houses of the State legislatures are apportioned in accordance with the rule, control of fully half the States will pass to an urban majority, leaving the rural areas of a State as a minority or possibly without representation at all."

What does this hold for rural areas? Probably it would mean less road aid; it could mean higher school taxes and less local school aid; it could mean greater consolidation of schools; it could seriously impair vocational agriculture and home economics programs; sales taxes might be imposed on farm production items; it could lead to an oppressive value added tax; water rights would change, with industrial areas of concentrated population taking over control of water; hunting and fishing laws probably would be altered; public domain land in rural areas for open spaces and recreation probably would be greatly expanded; it could well mean that control of county governments would pass to cities; it could launch a move to do away with township governments and consolidate them into counties; it could easily lead to consolidating county functions and redrawing county lines; it would certainly mean reapportioning congressional districts to the disadvantage of rural areas after the 1970 census; it would automatically mean a change in the control of local and State political parties, and this would certainly lead to a change in the kind of political candidates and political programs from local government on up the line.

It is with good reason that this is called the most sweeping overnight change in Government contemplated since the Civil War.

"If this Supreme Court decision is permitted to stand, the State of Kansas will be completely dominated from this day forward by urban areas. Rural areas will be virtually powerless," says Congressman BOB DOLE, of Kansas.

It would mean that "the State of Illinois will be completely ruled from this day forward by Chicago," says Congressman PAUL FINDLEY, of Illinois. "Downstate will be powerless to keep a legislature dominated by Chicago machine politics from funneling the lion's share of State revenue into Chicago projects and programs."

The Wapakoneta (Ohio) Daily News commented: "Bigness is not a virtue, nor is smallness a fault. Centralization of authority, whether in Federal or State governments, can lead to despotism."

"We are now confronted with political minions surging forth from the controlling city machine to levy, collect and bring back the revenues to be used to perpetuate and further the grandeur and power of that

machine," says Senator EVERETT DIRKSEN, of Illinois.

We might ask: If it is bad that a large geographic area with less than a majority of the State's population can control the State through one house of the State legislature, then is it automatically good that a small geographic area with a majority of the State's population can control the entire State? Which is better for the State of Illinois and the people in it? Weighing the prospect of the two possibilities should leave little question in the minds of thinking people as to which is more desirable. I know, because I lived in Illinois for many years.

Could the majority six really believe that the city of Chicago should rule all of the States of Illinois? Or that three or four counties should rule all of California, a diverse State 900 miles long?

While trees and acres and pastures and districts don't vote, it is a matter of practical politics that political machines do vote—or deliver the vote—and that these machines are most often found in cities where the history, economic interests, communications, citizens, and numbers are such that political machines can and do deliver large blocs of votes. I know; I work in such a city. The doctrine of the political equality of equal numbers when viewed in this setting does not paint a glowing picture of equal voters in equal numbers between districts meeting on equal ground to cast their equal-numbered votes.

"To be specific," says Senator AIKEN, "we are engaged in a struggle between the powerful machines of the great cities and the people of the United States. Make no mistake about it," he says, "this is a battle for the political control of the Nation and with the control goes the power to tax, the power to spend, and the power to enact programs that will affect the lives and welfare of every living person for generations to come."

To better see what this might mean to rural areas, I requested three State Farm Bureau organizations to make studies of the voting of their big-city Congressmen—in Chicago, Detroit, and Philadelphia—to add to a study that New York had already made of the vote in New York City.

The results may both surprise you and astound you:

In the State of New York, the Farm Bureau compiled the voting record of their Representatives in the National Congress on 10 representative issues, farm and nonfarm (feed grain program, foreign aid, tax cut, area redevelopment, Mexican farm labor, Cooley cotton bill, credit to Communist countries, food stamp, wheat-cotton bill, and antipoverty bill). There are 19 Congressmen from the city of New York; and voting on 10 issues gave them a possible 190 votes on these 10 issues. They actually voted 188 times. These New York City Congressmen voted for the Farm Bureau position 15 times—8 percent of the time—and voted against the Farm Bureau position 173 times—92 percent of the time.

Yet these same Congressmen in the 88th Congress voted for COPE's labor position 96 percent of the time and 98 percent of the time for the position of the Americans for Democratic Action (ADA), an ultraliberal group.

The other 22 Congressmen from the State of New York—outside the city of New York—voted with the Farm Bureau position 72 percent of the time (157 votes) and opposed the Farm Bureau 28 percent of the time (61 votes).

In the State of Illinois on the same 10 issues, nine Congressmen from Chicago voted 84 times—and 83 of those 84 votes opposed the Farm Bureau. Only one vote agreed with the Farm Bureau position. Yet in the 88th Congress they voted 97 percent of the time for the ADA position; and 98 percent of the time for COPE's position.

Congressmen in the rest of the State of Illinois—outside of Chicago—favored the Farm Bureau position 80 percent of the time.

In Pennsylvania, on the same 10 issues, five Philadelphia Congressmen voted 46 times, and cast every single vote against the Farm Bureau position. Yet in the 88th Congress they voted 98 percent in favor of COPE's labor position; and 97 percent of the time for the position of the ADA.

In the State of Michigan the Farm Bureau compiled the votes on eight representative issues. There, seven Representatives whose districts are primarily in the city of Detroit voted 48 times on these eight issues, and cast 47 of the 48 votes against the Farm Bureau position. Yet in the 88th Congress they voted 93 percent of the time for the position of the ADA and 99 percent of the time for COPE's labor position.

The other Congressmen in Michigan—outside of Detroit—cast 88 percent of their votes in favor of the Farm Bureau position.

A summary of the vote in the four States shows that in 366 votes cast by Congressmen from the four big cities, these city Congressmen voted with the Farm Bureau position just 17 times (15 of those from New York City) and against the Farm Bureau 349 times—5 percent for and 95 percent against.

The conclusion is rather obvious. These big-city political machines are not only almost unanimously opposed to the Farm Bureau position, they are also out of step with the Representatives from the rest of their own States. What this means to all people in light of the June 15 majority six decision is rather plain.

Can the people do something about this? You bet they can. And I count you on the side of those who want to see it done.

There are these things that you can do:

1. First, see that everyone recognizes that this June 15 decision is a fundamental question of constitution and government.

It is a question of whether the power in our government will really flow from the people, as it has since the Revolutionary War, or whether this will suddenly be changed.

It is a question of whether we, the people, will permit an appointed agency of our government to rise up and devour us.

It is a problem of the centralization of Federal power.

It is a matter of whether we in this Nation shall succumb to dictation by the Court.

It is a matter of whether we shall settle our important political questions through open, thorough public discussion and vote, or whether it shall be done hastily, in a court, or anywhere else, with six people making the decision.

This is a test of whether there is one Government in Washington, D.C., or whether there are also 50 State governments; it is a test of whether the form of government belongs to the people, or to the Supreme Court; it is, indeed, a test of whether the government belongs to the people and is a government with the consent of the governed, or whether it is a government of centralized power without the consent of the people.

2. Second, see that everyone recognizes that if this is to be a battle, it will be a struggle between big-city machines and the rest of the country.

It is not a farm-city fight. If this is a fight between citizens, it is a battle between counties and big cities; between the people and machine politics and ward leaders—and then, only if the big-city machine leaders chose to make it so by endorsing this action of the majority six.

Yours is a positive action to preserve the local functions of government where you can govern best—and to keep these functions as we the people want them.

3. Third, get your State, and all States, to call for a Constitutional Convention.

One way to amend the Constitution is to start with a Constitutional Convention, which can be called if two-thirds of the States (34) ask for it. This is a direct action that you can take—and you can see that it gets done in your State by talking with your State representative right at home.

4. Fourth, get Congress to pass a resolution putting a constitutional amendment before the States in a referendum. This is another way to amend the Constitution if three-fourths of the States (38) ratify the amendment.

A simple resolution has been proposed by Representative MCCULLOCH, of Ohio, and the general assembly of States. It says: "Nothing in the Constitution of the United States shall prohibit a State, having a bicameral legislature, from apportioning the membership of one house of its legislature on factors other than population, if the citizens of the State shall have the opportunity to vote upon the apportionment. And any State may determine how governing bodies of its subordinate units shall be apportioned."

This puts the question before the people twice:

First will be a vote on the constitutional amendment. This permits States to vote on the question of whether they want to reserve for themselves the power to apportion their own legislature.

Second will come an opportunity for the people to vote on any apportionment plans that might come up in the State.

Let that "one man, one vote" be on State apportionment—that is what we are asking for: That each man be allowed to vote whether apportionment of State legislatures shall be done by his State in its own political wisdom, or whether it shall be done by the Court, satisfying only the theories of six men.

Fundamentally, we ask that the people have the opportunity to make the decision on this question. Surely, this is what democracy and representative government is all about. And who can be opposed to the people exercising this right to vote on the issue? If anyone is opposed, now is the time to find out who it is.

5. Fifth, get Congress to pass a staying action on the majority six Court decision until the people have an opportunity to express themselves through a Constitutional Convention or through a constitutional referendum on a congressional resolution.

The courts are running full tilt to get apportionment wrapped up under their edict before the people have time to act. Others will help them. You are fighting a race against time.

Last August the House of Representatives in Washington passed the Tuck bill by an overwhelming majority. That bill would have denied all Federal courts jurisdiction over matters dealing with State legislative apportionment.

This was killed in the Senate as a rider on the foreign aid bill. Then a Dirksen-Mansfield rider was proposed to "buy time." This proposal would have provided a partial stay on the Court action so that there would be time to permit States to vote on a constitutional amendment. This bill was lost, primarily through a filibuster of four Senators.

Senator AIKEN commented: "It is significant that virtually all of the Senators taking part in the filibuster were from States with cities of 1 million and over; cities that are overwhelmingly in debt and are constantly seeking new sources of revenue either from taxes or public grants."

Two of the leaders of the filibuster were Senator DOUGLAS, from Chicago, and Senator CLARK, from Philadelphia. They didn't want the people in the States to have an opportunity to express themselves in a constitutional amendment referendum. It is interesting that these Senators, who plead that the majority should rule, resorted to a filibuster

to keep the majority of the Senate from voting on the issue of whether to "buy time" so that the States could vote by a three-fourth's majority rule on whether to keep apportionment as a State matter.

6. Last, you can launch a personal and group educational program to see that people—not just farmers, but others as well—understand what is involved in this Court action. Read it; study it; write about it; talk about it; make speeches about it. Do this, not just through your State office or the national office; but right where you live. You can make it your personal No. 1 project for 1965; nothing is more important to you and to all the people in your community, your county, and your State.

You can call on and meet with your State representatives; your county officials; your local township and political officials. There shouldn't be a single township in the State of Iowa that doesn't have a full scale half-day or full-day meeting on this in the next few weeks.

And what is done in Iowa should be done in every State in the Union.

If you will do this, there will be no question about the outcome.

Anything less than this is losing faith with the people who, through extreme sacrifice, courage, God-given wisdom, and loss of life built this privileged Nation for us through colonial oppression, frontier travail, and the agony of great wars which harvested our young men—the price that others have paid for our liberty and freedom. Anything that we can do, will not be enough to pay for the priceless privilege that is ours.

ALCATRAZ ISLAND COMMISSION BILL

Mr. COHELAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COHELAN. Mr. Speaker, the 88th Congress, by means of Public Law 88–138, created a Commission on the Disposition of Alcatraz Island to study and recommend future use of this former maximum security penitentiary which has now been declared excess to Federal requirements.

Today, in conjunction and cooperation with the distinguished junior Senator from Missouri [Mr. LONG], I am introducing legislation which incorporates and carries out the recommendations of this Commission.

In brief, the five-man Commission on which Senator LONG as Chairman and I had the privilege of representing the House of Representatives, recommended, and this bill provides, that the Federal Government accept the offer of the San Francisco Chapter of the United Nations to build a monument on Alcatraz Island commemorating the founding of the United Nations in San Francisco in 1945 and as a symbol of peace.

The Commission's report, and this bill, further provide:

First. The creation of a commission to oversee, negotiate, and coordinate all matters associated with the realization of this proposal.

Second. The General Services Administration be given authority to transfer Alcatraz Island to the National Park Service without reimbursement.

Third. The National Park Service be authorized to accept from the San Francisco Chapter of the American Association for the United Nations the monument and any maintenance endowment or funding that might be offered from time to time.

Fourth. The National Park Service be given authority to administer the island.

Fifth. The monument be erected on the island under the supervision of the Commission in consultation and cooperation with the Secretary of the Interior with the remainder of the island being retained in its natural state.

Sixth. The Commission be given the authority to negotiate with the San Francisco Chapter of the American Association for the United Nations for the early demolition and removal of structures on the island.

Seventh. Provision be made for a reservation to the State of California for use of a part of the island for public purposes if the need should arise; provided such use by the State of California is compatible with and does not detract from the primary use.

Eighth. An international architectural competition be conducted by the San Francisco Chapter of the American Association for the United Nations with the winning design subject to final approval by the Commission after consultation with the Secretary of Interior.

Ninth. All costs incident to the international architectural competition, the demolition or removal of structures, and the construction of the monument be borne by the San Francisco Chapter of the American Association for the United Nations or a private nonprofit foundation created for this purpose, with any proceeds from salvage applied to the costs of demolition.

Mr. Speaker, the Alcatraz Island Commission, after inspecting the island, hearing more than 40 witnesses, and reading more than 400 written proposals, felt strongly and so emphasized in its report, that Alcatraz is not a "usual" piece of property to be disposed of through the normal procedure of public sale by the General Services Administration.

The island occupies a prominent position in one of the major ports of this country; its use as a penitentiary for hardened criminals has made it known the world over; and any future use will clearly have significant meaning for the San Francisco Bay area and the entire United States.

The Commission decided to recommend the offer of the San Francisco Chapter of the American Association for the United Nations because it recognized the formidable cost of constructing any new project on the island, yet did not look to any public source for money, and because it was in accord with a majority of the serious proposals presented that the most appropriate and fitting use would be some type of monument as a memorial to the principles of peace and human dignity.

Mr. Speaker, I would like to commend Senator LONG and the other members of the Alcatraz Island Commission—California's Lieutenant Governor, Glenn Anderson, California's State Senator J. Eugene McAteer, and San Francisco Attorney James Thacher—for their work on this project which holds so much promise for the people of this country and the world. It was a great privilege and pleasure for me to work with them and I thank the Members of the House for this opportunity.

I am very hopeful, Mr. Speaker, that the House will now be able to give early consideration to this proposal.

It has already been carefully screened and thoroughly thought through by a commission acting at the direction of Congress. It recommends a program committed to the highest ideals of man, yet offered with no thought of personal gain.

It is a proposal which represents our own great tradition of freedom and our hopes for a freer, more peaceful world for all men.

It is a proposal of which we can be justly proud.

The text of the bill follows:

H.R. 3143

A bill to provide for the erection of a monument on Alcatraz Island to commemorate the founding of the United Nations in San Francisco, California, in 1945, and to serve as a symbol of peace

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the purpose of providing for the erection of a monument on Alcatraz Island to commemorate the founding of the United Nations in San Francisco, California, in 1945, and to serve as a symbol of peace, there is hereby established a commission to be known as the United Nations Monument Commission (hereinafter referred to as the "Commission"), to be composed of seven members as follows:

(1) Five members who shall be appointed by the President of the United States of whom one shall be appointed from nominees submitted by the Governor of California, one from nominees submitted by the mayor of San Francisco, and two from nominees submitted by the San Francisco Chapter of the American Association for the United Nations;

(2) One member who shall be appointed by the President of the Senate; and

(3) One member who shall be appointed by the Speaker of the House of Representatives.

(b) The President shall, at the time of appointment, designate one of the members appointed by him to serve as Chairman. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(c) Members of the Commission shall serve without additional compensation by reason of their services as members, but shall be reimbursed for their actual and necessary traveling and subsistence expenses incurred by them in performing their duties.

(d) The Commission may employ, without regard to the civil service laws or the Classification Act of 1949, an executive director who shall be compensated at a rate not to exceed $18,000 per year, and such other employees as may be necessary in carrying out its functions.

(e) Expenditures of the Commission shall be paid by the executive director, who shall keep complete records of such expenditures and who shall account for all funds received by the Commission.

SEC. 2. (a) The function of the Commission shall be to develop and execute suitable plans for the erection on Alcatraz Island of a monument to commemorate the founding of the United Nations in San Francisco, California, in 1945, and to serve as a symbol of peace. In formulating and developing such plans, the Commission shall consult and cooperate with the Secretary of the Interior. The design of such monument shall be selected, subject to final approval by the Commission, through an international architectural competition conducted in accordance with the provisions of clause (3) of section 3 of this Act, but no design submitted in such competition shall be selected if it would result in a hazard to navigation.

(b) No appropriated funds shall be used in connection with the construction of such monument, including the demolition or removal of structures on such island, or the holding of such competition, but any proceeds from salvage of existing structures or other property on such island may be applied to the cost of such demolition and construction.

SEC. 3. In carrying out its function under this Act, the Commission is authorized to—

(1) construct, or provide for the construction of, a monument as provided for in this Act;

(2) accept donations of money, property, or personal services; to cooperate with State, civic, patriotic and other groups; and to call upon other Federal departments or agencies for their advice;

(3) negotiate or arrange with the San Francisco Chapter of the American Association for the United Nations or others for the early demolition or removal of the structures on the island, and for the holding of an international architectural competition for the purpose of selecting the design of such monument;

(4) make such expenditures for the purpose of carrying out the provisions of this Act, as it may deem advisable from funds appropriated or received as donations for such purpose, subject to the provisions of subsection (b) of section 2; and

(5) exercise, subject to the provisions of this Act, such additional powers and functions as may be necessary to carry out the purposes of this Act.

SEC. 4. The Commission shall, not later than February 1 of each year, transmit to Congress a report of its activities and proceedings for the preceding year, including a complete statement of its receipts and expenditures. A final report of the activities of the Commission, including a final accounting of its receipts and expenditures, shall be made to the Congress not later than ninety days following the completion of the monument authorized by this Act. The Commission shall terminate thirty days following the date of the submission of such final report.

SEC. 5. The authority granted by this Act shall cease to exist, unless within five years after the date of enactment of this Act (1) the erection of the monument is begun, and (2) the Commission certifies to the Secretary of the Interior the amount of funds available for the purpose of the completion of the monument and the Secretary determines that such funds are adequate for such purpose.

SEC. 6. The State of California is authorized, subject to the approval of the Secretary of the Interior, to use a part of Alcatraz Island for public purposes, if any such use is compatible with and does not detract from the monument established pursuant to this Act.

SEC. 7. Any funds acquired by the Commission remaining upon its termination shall be deposited in the Treasury of the United States as miscellaneous receipts.

SEC. 8. The monument established pursuant to this Act shall be the property of the United States and, together with the land comprising Alcatraz Island, shall be set aside as a national monument and designated as the United Nations Monument. The National Park Service, under the direction of the Secretary of the Interior, shall administer, protect, and develop such monument, subject to the provisions of this Act and the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535), as amended and supplemented.

SEC. 9. The land comprising Alcatraz Island is hereby transferred to the administrative jurisdiction of the Secretary of the Interior, without consideration, for use by him in carrying out the provisions of this Act.

SEC. 10. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

CUTBACKS IN VA SERVICES

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. HARSHA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HARSHA. Mr. Speaker, last week, on January 13, Members of Congress were notified by the Veterans' Administration of a program of cutbacks and consolidations in the services to our veterans. Seventeen regional offices, 11 hospitals and 4 domiciliaries in several States, including Ohio, will be involved. While none of the installations affected are located in my district, any general deterioration of facilities will be reflected in poorer service to all our veterans in every district in our Nation.

Is there to be nothing in the Great Society for the veterans? Are veterans to become just numbers to be stuffed in computer machines? The care of our veterans must meet human needs, humanely and fairly considered in accordance with the best standards. The care of our veterans must not become subject to the cold calculations of an electronic computer. It is unconscionable to submit the health, care, and welfare of our veterans to a machine void of compassion. In administering the VA program the primary objective should be service to the veteran rather than to operate the facilities as a commercial enterprise.

This cutback is poor economy and will certainly provide additional material for the war on poverty. It makes little sense to spend billions to eradicate poverty in the United States, to spend additional billions in foreign aid to raise the standard of living over the entire world, and then virtually pull the bed out from under the veteran. Apparently, the Great Society is to bypass the veteran.

I have written to the chairman of the Veterans' Affairs Committee to request that committee to investigate the action of the Veterans' Administration in closing VA facilities.

I have also written directly to the Veterans' Administration to urge that it forgo its proposed cutbacks until such investigation can be completed by the committee.

I sincerely hope that action can be taken which will meet the human needs of our veterans rather than the budgetary desires of the administration.

WE BANDSMEN SAW EUROPE TOGETHER

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, one of the most effective programs in which the image of the United States is properly presented abroad is that sponsored by the School Band of America. This past summer the School Band of America toured much of Europe.

One of its members was a talented young lady, Miss Emily Jane Canning, a resident of Homewood, Ill., in the Fourth Congressional District. Upon her return, Miss Canning wrote a special article for the November 1964 issue of the School Musician magazine, and I ask leave to place it in the RECORD at this point.

WE BANDSMEN SAW EUROPE TOGETHER

(By Emily Jane Canning)

As a music student, I had never really realized before my trip with the School Band of America the variance of American student musicians. They are different, but they can have fun living and traveling together for a month, and at the same time see Europe and learn to know about the people.

The European tour this past summer by the School Band of America and the School Chorus of America covered during this short month the Netherlands, Belgium, Germany, Austria, Italy, Switzerland, France, and England, followed by an exciting day at the New York World's Fair.

Concerts were given in The Hague, Rotterdam, Blankenberge, Brussels, Spa, Heilbronn, Nuremberg, Munich, Innsbruck, Venice, Piacenza, Genoa, Nice, Lausanne, Strasbourg, Paris, Horsham, Dorking, and New York.

Transatlantic crossings were by charter jetplane. Comparative strangers left from New York Kennedy International Airport on June 11; but they were well acquainted on the return flight which departed from London, July 9. European land travel was by four blue charter buses with drivers and couriers from the Netherlands.

Band and chorus members were from Alabama, Arizona, California, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Maryland, Minnesota, Missouri, New Jersey, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Utah, West Virginia, and Wisconsin. We have made new friends not only in Europe but throughout the United States.

The band, with 98 members, and the chorus, with 34 members, continued the tradition of presenting concerts to large enthusiastic audiences, the largest being 5,000 in the very famous St. Mark's Square in Venice. In each instance, 22 concerts in all, SBA–SCA was invited to return next year.

SBA–SCA since its beginning has covered 45,000 miles to play 71 concerts to a total audience of 150,000 persons, and has participated in 24 official receptions, 4 TV appearances, 18 radio broadcasts, and 9 youth gatherings.

Since its founding as a nonprofit, noncommercial organization on July 1, 1959, the School Band of America-School Chorus of America has established itself as an integral part of the American music education scene. The organization was founded primarily for the purpose of giving outstanding American school musicians an opportunity to use their talents in the area of international understanding, and at the same time acquire a firsthand knowledge of the cultural centers of Europe.

SBA–SCA has developed into a cooperative venture involving music educators, music teachers, music publishers, and music instrument manufacturers throughout the United States.

The European audiences were eager to hear the music of SBA–SCA. They clapped, whistled, and gave standing ovations for the tunes they particularly enjoyed, especially the "Stars and Stripes Forever," and "Battle Hymn of the Republic." It can be said the SBA–SCA has more than fulfilled its original purpose and has developed into a strong positive influence in the field of international relations. American Government officials in Europe and European government authorities have repeatedly stated that SBA–SCA concerts and related activities are the major events in their year's calendar. A dignified image of American youth is projected to the Europeans who draw many of their conclusions only from movies.

SBA–SCA has been accepted as an official project of the music committee of the people-to-people program, has been sanctioned by the Bureau of Cultural and Educational Affairs, Office of Cultural Exchange, U.S. State Department, and is assisted by the U.S. Information Agency. Files contain letters of commendation from Dr. Norman Vincent Peale, Leonard Bernstein, and Edward R. Murrow. The band and chorus have been personally commended by former Vice President Richard M. Nixon.

The reputation of SBA–SCA has grown considerably in the 4 years since the European tours were established. The band and chorus have become a tradition in many areas with a loyal following. An SBA–SCA fan club has been organized by students in Nuremberg, Germany, where a large youth gathering was held this year.

At Nuremberg an important concert was presented in Europe's newest and most beautiful concert hall, the Meistersingerhalle, which was filled to capacity of 2,200. A local orchestra director led us in "El Capitan" before an audience made up mostly of young people.

At Dorking, England, the SBA–SCA opened the annual music festival in grand style. Guests of honor were Prince and Princess Tomislav, of Yugoslavia, and Max Grossman, cultural attaché of the American Embassy, and Mrs. Grossman. The director of the British Broadcasting Corp. (BBC) television orchestra, Eric Robinson, was guest conductor. The chairman of the music festival committee publicly stated that he had never seen an audience in Horsham react so enthusiastically to any presentation.

Near the end of the tour at Strasbourg, the groups taped two albums of high fidelity records.

At the final concert at the New York World's Fair, July 10, SBA–SCA drew the largest crowd of the year at the Tiparillo Band Pavilion.

The repertoire of the School Band of America and School Chorus of America is representative of school instrumental and vocal groups throughout the United States. It is designed to please all audiences with a varied program including serious, contemporary, traditional, vocal, and band music; marches, musical comedy selections, and novelties.

Any school instrumental or vocal student in the United States between the ages of 15 and 21 may apply for membership. Final selection for the touring groups is made on the basis of musicianship, character, and personality. Musicianship is determined by audition, tape recording, or in person; character by letters of recommendation from a school official, music teacher, and pastor; personality by personal interview where practical. SBA–SCA has 16 representatives in 10 States and 2 foreign countries. They all volunteer their services.

The individual cost of the European concert tours was $878. This amount was determined on a prorated basis covering the expenses involved in developing and carrying out the concert tour. This relatively modest amount, which included all necessary expenses for the month-long tour from New York and return, was a result of the nonprofit feature of SBA–SCA and the fact that SBA–SCA is authorized by the Civil Aeronautics Board to charter transatlantic flights.

SBA–SCA functions within the philosophy that the free enterprise system is the central core of the American way. Therefore, Government financial assistance is neither sought nor desired. However, financial assistance in varying amounts to individual students on a local basis is recommended.

Considering the fact that the appearance, conduct, and quality of SBA–SCA reflect an image of all Americans, many students receive financial assistance from local civic and service clubs, church groups, school organizations, individuals, etc. A sponsor is defined as an organization or an individual who contributes $25 or more to a student's expense. The 1964 program listed approximately 600 friends and official sponsors.

Founder and director is Edward T. Harn of Bloomington, Ill. In addition to his directing duties with SBA–SCA, he is principal conductor of the all-star high school band which annually presents the grand finale concert at the Mid-East Instrumental Conference sponsored by Duquesne University School of Music in Pittsburgh.

European music critics have highly acclaimed his work with young American musicians. He received two medals this summer at Nervi and Venice, making eight he has received from European governments for his contribution to a better understanding between America and Europe.

Assisting with directing duties are Wayne M. Reger, authority on brass instruments, author of "The Talking Trumpets," and instructor in the public schools at Massillon, Ohio; Don McCathren, clarinet clinician, affiliated with H. & A. Selmer, and chairman of instrumental music at Duquesne University; and Cedric Cooke, director of music in the Greenview, Ill., public schools.

SBA–SCA concert tours are chaperoned by a select group of adults, mostly teachers, who pay their own expenses as do the students. Each chaperone is assigned 10 students. There are also two nurses. Following the tour, chaperones' reports are sent to parents of each member and to school officials.

Four concert tours are planned for 1965. The regular SBA–SCA European section tour of central Europe, June 12–July 11, will feature a command performance for Her Majesty, Queen Elizabeth, in Royal Festival Hall of London.

A new SBA Near East section tour of Israel and central Europe, July 21–August 19, will participate in the Israel Festival of Music, the first time a band has been honored with an invitation. Al Reed and Mr. McCathren will be conductors.

A new SBA Far East section tour of Japan, July 25–August 15, will be sponsored by the All-Japan Band League. SBA alumni will be given preference for this trip. School Band of America will be the featured band at the Japanese Music Federation Convention in Tokyo.

A new School Orchestra of America tour of central Europe, June 21–July 20, has been developed to provide additional incentive, quality, and prestige to the fast-growing string education program in the United States. SOA is to be directed by Don Miller, director of the string program at Lyons Township High School in LaGrange, Ill. He is well known in the field of music education and is in demand as a festival director and adjudicator.

Headquarters for the groups is 28 Harbord Drive, Bloomington, Ill., where information about the bands, chorus, and orchestra is available. Deadline for making application for 1965 concert tours is December 1, 1964.

MRS. MARY GABRIELLA GOMES

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GOODELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GOODELL. Mr. Speaker, I am today introducing private legislation on behalf of Mrs. Mary Gabriella Gomes, the mother of Mrs. Keith Crawford, 51 Bowen Street, Jamestown, N.Y.

The bill, if approved, would grant permanent residence to Mrs. Gomes, who entered this country as a visitor on October 2, 1961. Mrs. Gomes is a native of British Guiana and a citizen of Great Britain.

PROPOSED LEGISLATION TO IMPROVE AND INCREASE SOCIAL SECURITY BENEFITS

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GOODELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GOODELL. Mr. Speaker, I am today introducing a bill which would provide new, improved and increased social security benefits for an estimated 20 million Americans.

Mr. Speaker, the House and Senate are in agreement on the provisions of this proposal since it incorporates the amendments to the social security laws which had been agreed upon by the House and Senate conferees in the 88th Congress.

The House should immediately adopt this proposal so that we can swiftly move to bring these new benefits to our retired citizens.

Aside from the provisions on hospital care for the aged which caused disagreement, everything in my bill had the approval of the Congress. It died in the 88th Congress because of the controversy over the hospital care provisions.

Apparently the hospital care provisions will require additional or new hearings. The improvements in the social security system should not be further delayed. We must do everything we can to start getting checks to our retired people under the new amendments as promptly as possible.

There has been too much delay already.

My bill would include:

First. An increase in benefits of 7 percent with a $5 minimum in the primary insurance amount.

Second. A minimum benefit of $35 each month for those over 72 who did not meet the work requirements in the present law.

Third. Liberalization of the earning limitations now in the law.

Fourth. Benefits for dependents in school up to age 22 instead of the present cutoff date at age 18.

Fifth. Benefits for our widows when they reach 60 rather than waiting until they reach 62.

Sixth. Liberalization of the gross income upon which farmers may decide to pay social security taxes.

Seventh. Provide for the objection of certain religious groups to the social security system.

This Congress has an obligation to enact this legislation to provide for our older citizens with dispatch and vigor. There is no reason for delay of these agreed-upon improvements in our law.

Equity demands the prompt passage of these amendments. I urge speedy action by the House of Representatives.

LEGISLATION TO CUT FEDERAL HIGHWAY COSTS

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, today I have reintroduced my bill to cut Federal highway costs by authorizing a program to assist the States to acquire rights-of-way in advance. This bill would enable States to acquire property needed for rights-of-way at comparatively low costs and at times when announcements of proposed routes have not drastically inflated real estate values.

Under the present law, States have not been able to utilize existing limited procedures for buying rights-of-way in advance. This is largely because they must use all available State and Federal funds in actual construction and are unable to tie up large amounts in rights-of-way that may not be used for several years. Some States, in fact, simply do not have the money to spend on an orderly program of acquiring advance rights-of-way.

As a result, there are numerous cases where owners have undertaken extensive improvements of their property and have forced the States to pay inflated prices for highway rights-of-way.

Under my bill, first introduced in the 88th Congress, the Secretary of Commerce would be authorized to advance Federal-aid highway funds to any States for early right-of-way acquisition. These funds would be free of any interest and would not be charged against current Federal-aid apportionments. They would be repaid by the State when actual construction on a right-of-way is authorized or at the end of a period not to exceed 7 years or on September 30, whichever occurs first.

Such a program, carefully administered, would pay rich dividends in savings to the governments and do much to eliminate hardship, inconvenience, and uncertainty for those whose property and businesses may be in the path of highway construction.

Funds advanced under this program would be paid by the highway trust fund and at no time could exceed a total of $200 million.

This bill meets a major problem which has been hampering the Federal highway program and causing much individual hardship. I hope the House will have an early opportunity to act on it.

THE PROBLEM OF ALCOHOLISM AMONG OUR YOUNG PEOPLE

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. RUMSFELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, in our efforts today to direct and assist our young people so that they can successfully meet the challenges of their future, one of the continuing problems that must be met is alcoholism. Our young people must be made to realize that clear thinking and physical fitness, together with moral stamina, are the assets which lead to successful and satisfying lives.

The Youth Temperance Council, with headquarters in the 13th Congressional District of Illinois, which I am honored to represent, has performed outstanding service in educating the youth of our country to the dangers of alcoholism. Each year the council observes Youth Temperance Education Week, which has been officially proclaimed in the past by 75 percent of our State Governors and by the mayors of our larger cities. Recognition and endorsement of this endeavor by the Congress of the United States would have far-reaching effects; and I am, therefore, introducing today a joint resolution to designate the fourth week of April of each year as Youth Temperance Education Week.

I urge adoption of this resolution by the House.

RECENT CRASH OF AIR FORCE KC–135 TANKER

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. SHRIVER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHRIVER. Mr. Speaker, I have just returned from my home city of Wichita, Kans., where on last Saturday morning, January 16, 1965, an Air Force KC–135 tanker crashed into a residential area in the northeast part of the city. The tragic accident took the lives of at least 23 civilians and 7 Air Force crewmembers on the aircraft. Some 15 homes were destroyed or damaged beyond repair, and approximately 75 were reported damaged by fire. There were 15 persons treated for injuries by local hospitals.

My purpose in rising today in the House is to express my heartfelt sympathy to those who lost loved ones in this air disaster. I also want to pay tribute to local, State, and Federal agencies which responded speedily and efficiently. On Sunday and Monday I witnessed the effective relief which was being given by the Red Cross, the Salvation Army, and other civilian agencies. Local police, fire, and civil defense officials handled their monumental tasks with dispatch.

The city of Wichita long has played an important role in our Nation's defense. Wichita indeed is the "air capital" of this great Nation. The people of Wichita recognize the importance of aircraft to the community and the Nation. Their courage and understanding in the disaster should not go unnoticed.

When disaster struck the city last Saturday morning, the city government and private citizens alike responded to the needs and anguish of their fellow Wichitans. In this tragic period for Wichita, I am proud of the manner in which the citizens have reacted with understanding and compassion.

It should be noted, too, that the seven Air Force crewmembers aboard the aircraft who lost their lives were performing a military mission for their country. There is evidence that they did everything within their power to avoid or prevent crashing into a residential area.

Finally, I want to commend the Air Force for the expeditious manner in which it has proceeded to investigate the cause of the tragedy and to assist the civilian population affected by the accident.

IN PURSUIT OF WORLD ORDER

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. FASCELL. Mr. Speaker, as Members of the Congress are aware, 1965, which is the 20th anniversary of the United Nations, has been designated "International Cooperation Year." President Johnson has asked that this occasion be used to take stock of progress already underway in international cooperation and to chart new possibilities of cooperation in the future.

In this regard, I think the Members of the Congress will be interested in a new book which has been written in connection with International Cooperation Year by Richard N. Gardner, who has served since 1961 as Deputy Assistant Secretary of State for International Organization

Affairs. The book is entitled "In Pursuit of World Order: U.S. Foreign Policy and International Organizations."

"In Pursuit of World Order" is a thoughtful and a thought-provoking book. It provides an up-to-date account of the efforts of the U.S. Government to promote the common interests of mankind in peace and welfare through the United Nations and other worldwide organizations. It also deals with the practical politics of adjusting the relations of states without war. And it provides fresh insight into how the United Nations system is developing and on what lines it can evolve in the future.

As chairman of the Subcommittee on International Organizations and Movements of the Committee on Foreign Affairs, I have handled legislation relating to the United Nations for a number of years. I have been increasingly concerned about the growing number of problems confronting that organization. The United Nations, as we are only too well aware, is facing perhaps the most serious crisis in its 20-year history. This makes it all the more important that the American people have available a clear and balanced account of the way the United States has sought to promote its enlightened self-interest in a decent world order through international organizations. By preparing such an account, Mr. Gardner, in my opinion, has rendered valuable public service.

An extra bonus in the book is the lucid foreword by Harlan Cleveland, who is known to most of us for his distinguished service as Assistant Secretary of State for International Organization Affairs.

I think the Members of the Congress may also be interested to know that Mr. Gardner wrote this book while carrying on his responsibilities in the Department of State and that he is assigning all his royalties to the American Foreign Service Scholarship Fund and the United Nations Association.

Mr. Gardner's introduction to his volume is an excellent summary of the crisis which now faces the United Nations and the approach our Government is taking to it.

Under unanimous consent, I place it in the RECORD at this point:

INTRODUCTION TO "IN PURSUIT OF WORLD ORDER"

(By Richard N. Gardner)

Not long ago, Secretary of State Dean Rusk was asked in a television interview whether the United States was pursuing a "no-win" foreign policy. The answer was delivered in the closely reasoned phrases that are his trademark:

"Well, I would not agree with this. What we are trying to accomplish in this world—the American people and most people in most other countries—is a victory for freedom, for the independence of states and the freedom of peoples * * * a victory for a decent world order under conditions of law * * *.

"Now we know that this struggle for freedom is constant, it is implacable, and it is necessary to win it. But you would not win it by a vast military orgy which would bring into jeopardy the existence of the Northern Hemisphere * * *.

"The problem here is to make it very clear that the vital interests of the free world will be defended with whatever is necessary. But the problem also is to defend these by peaceful means if possible. The easiest thing in the world to think of is to expand a war. But the human race needs something else if we can find it."

A central purpose of U.S. foreign policy under the Kennedy and Johnson administrations has been to find this "something else"—something that could lead to victory without war, a victory of human dignity not just for Americans but for all men everywhere.

It has been said many times but it bears repeating: Such a victory will not be won through the subjugation of any people. It will not be won by force of arms—although the free world must have adequate military strength and the will to use it in defense of freedom. It will be won by painstaking efforts to build the foundations of peace and the general welfare of mankind. Moreover, it will never be finally won—it will have to be fought for and earned, every day, by ourselves and our posterity.

Mankind is now divided by two competing concepts of world order—one based on coercion, the other based on consent. Because of the kind of society we are at home, because of the kind of order we seek abroad, we cannot simply impose our views on other peoples. Our method of building a world order is much more difficult than the Communist method, but it is also much more durable. It is through free association with other nations in bilateral, regional, and global diplomacy.

Much is heard these days about the protection of national sovereignty. But if sovereignty is more than a sterile legalism, if it means the real power of a nation to assure by itself the security and welfare of its citizens, then it is obvious that no nation is any longer truly sovereign. It is one of the great paradoxes of our time, and undoubtedly a major source of public frustration, that the most powerful nation in the world is less able to employ its power alone, in pursuit of national ends, then at any previous point in history. Compared to the destructive power the United States possesses today, all the destruction wrought in previous wars is, in President Johnson's words, "like a firecracker thrown against the sun." Yet the achievement of minimum security for the American people depends in part upon cooperation from other countries—even from our greatest adversaries.

What is true of security is true of other essential goals of our national policy. We can no longer assure the material well-being of American citizens by acting alone. The cooperation of other nations is now essential to protect our balance of payments, to assure us of access to raw materials and markets, to maintain the safety of our air and ocean transport, to enjoy the full benefits of space technology in communications and weather forecasting, and generally to bring about the kind of world environment congenial to our continuing prosperity.

All this is obvious. What is less obvious is that to encourage the cooperation of other nations which is necessary for our security and welfare, we have had to develop a new arm of diplomacy. This new diplomacy is carried on through international organizations. That is why President Johnson has pledged this country "to do its full share to assist in the development of sound, efficient international organizations to keep the peace, to resolve disputes, to promote peaceful change, to conduct a world war against poverty, to exchange technology, and for other purposes."

Someone once said that all revolutions seem impossible before they occur and inevitable after they occur, an observation that applies well to the diplomatic revolution of the last generation. At the beginning of World War II, it would have been difficult to conceive of the vast array of important functions now being discharged through international institutions. Today, it is hard to imagine a world without them.

This book is about the use of international organizations in our efforts to achieve a victory without a war—a decent world order in the interests of all mankind. It is not concerned with regional organizations in the North Atlantic community, the Americas, or elsewhere—important as these are as stepping stones toward our global objective. It concentrates instead on the major worldwide organizations, mainly the United Nations and its specialized and affiliated agencies, most of which comprehend not only our allies but also uncommitted and Communist nations.

A realistic appreciation of the work of these agencies is not a distinguishing feature of the contemporary scene. Discussion of whether or not we should be in the United Nations is about as useful as discussion of whether or not we should have a U.S. Congress. What we really need is to accept the fact that international organizations are here to stay and to turn to the much more difficult question of how we can use them better to promote our national interest. We need to discuss the U.N. and other international organizations in operational rather than in symbolic terms. We need to consider in professional detail just what these agencies do and how they could do it better.

Both the uncritical admirers of the U.N. and its uncritical opponents do a disservice to the institution and to U.S. foreign policy. One group regards any criticism of the U.N. as profanation of a religious shrine; the other never fails to point out the yawning chasm between U.N. aspirations and U.N. accomplishments. Neither group looks at the U.N. for what it is—a reflection of a turbulent and divided world, an arena for the interplay of national power, a limited instrument for the voluntary association of nations in areas where the interests uniting them are stronger than the interests dividing them. All too few of those forming judgments about the U.N. bring to the subject even a fraction of the professional attention they apply to local or national politics—to speak of the conduct of their private affairs. This is unfortunate, for the path to world order will not be found by those who are negligent of details, indifferent to obstacles, and hell bent on final solutions—whether in the form of a military showdown or instant world government.

Those who would make a responsible contribution to foreign policy—particularly to the field of multilateral diplomacy—should combine a passionate dedication to long-term goals with a sober appreciation of the difficult tasks of institution building that lie along the way. Technological and political imperatives are pressing the United States and other nations more and more to work through international institutions to promote their basic interests. Yet we also live in an era of resurgent nationalism which places severe limitations on what can be done in the short run.

President Johnson has asked that 1965—which the United Nations has officially designated "International Cooperation Year"—be used to take stock of the international cooperation already underway in international institutions and the ways in which it can be strengthened. This book is designed as a contribution to that effort. It is natural, therefore, that it should emphasize the positive more than the negative side of the equation—the constructive ways in which we and other nations have pursued our common interests and the new possibilities we have for doing so in the future. It is all too evident what international organizations have failed to do; the story of what they have succeeded in doing is largely unknown and therefore needs telling. Besides, we can usually get better results in

dealing with the shortcomings of international organizations by working to correct them through quiet diplomacy than by denouncing them from the rooftops.

Emphasis on the positive contribution of international organizations does not mean we are uncritical. It would do no service to U.S. foreign policy—or to the United Nations—to hug that organization to death. We must continue to view the U.N. at a distance sufficient to permit a realistic look at its strengths and limitations and a clear appreciation of where and how it touches our national interest. Our approach to the United Nations and other international agencies is therefore pragmatic. In determining whether to pursue a particular foreign-policy interest in international agencies, we weigh the disadvantages as well as the advantages.

Law in our society has been well defined as consisting of "the wise restraints that make men free." In the international community, some restraints on the use of national power are obviously required in the common interest. Other restraints may be undesirable or impractical because common interests do not exist. International institutions require exchanges of mutual restraints and reciprocal concessions by the participating countries. And in each case, it is right and proper for the United States, as well as other countries, to ask whether the restraints and concessions undertaken by others are adequate compensation for the restraints and concessions undertaken by ourselves.

The central thesis of this book is that the pragmatic balancing of the advantages and disadvantages inherent in this system is yielding positive results over a widening range of subject matter. But not all governments share this conclusion. This is not because the national interest of their countries would not be furthered by the continued strengthening of international organizations. On the contrary, as this book argues, the long-term interest of all countries in survival and welfare requires a steady buildup of international institutions. Yet for one reason or another, the leaders of some countries do not share this concept of the national interest or are not prepared to act upon it. Not only are they reluctant to undertake bold new reforms in the direction of closer international cooperation; they are resisting some of the forms of international cooperation we already have.

This situation helps to explain why the U.S. Government has been unenthusiastic about proposals for a conference to review and amend the United Nations Charter. Some of the proponents of this idea believe such a conference would help to transform the U.N. into some kind of world government; others believe it would at least strengthen the organization in fundamental respects. But amendment of the charter requires approval not only of two-thirds of the member states but specifically of the Soviet Union, France, and other permanent members of the Security Council. If one examines carefully the attitude of U.N. members toward specific proposals for strengthening the organization, one quickly discovers that the most likely consequence of wholesale revision of the charter would be to diminish rather than enhance the strength of the organization.

The Charter of the United Nations, like the American Constitution, is a framework for organic growth in response to new demands and changing realities. The United Nations has been able, within the context of the charter, to assume ever greater responsibilities in the service of its members' long-term interest. An attempt to rewrite its constitution would arrest the continued growth of the United Nations, for some of the members would be reluctant to give explicit endorsement to some of the implicit powers that have been granted to the organization over the years. The fact is that the charter is a better instrument for the achievement of U.N. purposes than any that could be negotiated today. The same is true, by and large, of the constitutions of other major international agencies.

It is a very large question whether the impressive growth in the responsibilities of international institutions recorded in the last two decades and analyzed in this book can continue in the years ahead, or whether we are in for serious disappointments in our efforts to achieve a decent world order. "Crisis" has become an overworked word, but it is no exaggeration to say that the system of international institutions of which the U.N. is the center is now in crisis. The future of that system, and the pace of progress toward world order, will be determined to a large extent by what takes place in the vital period between the opening of the 19th General Assembly near the end of 1964, and the close of International Cooperation Year 13 months later.

During this relatively brief span, the nations of the world will be required to make decisions of unprecedented difficulty. They will be faced—if the Soviet Union and other countries do not cease their financial boycott—with the application of article 19 of the U.N. Charter, providing for loss of vote in the General Assembly to members more than 2 years in arrears in their assessed contributions. They will consider new arrangements for the initiation and financing of peacekeeping operations—arrangements giving a larger voice to the large and middle powers that bear the principal responsibility for supporting them. They will have to decide whether or not to ratify charter amendments enlarging the Security Council from 11 to 15 members and the Economic and Social Council from 18 to 27—a question which in the United States is certain to stimulate a wide-ranging review of the decision-making process in U.N. organs.

But the months ahead will be a time for decisions not only about peacekeeping operations, but also about cooperative endeavors for the general welfare of mankind. The members of the U.N. will try to establish new machinery to deal with the trade problems of the developing countries. They will consider proposals to merge the central U.N. institutions providing preinvestment aid in less developed countries. They will take a second long look at the world population problem and possibly measures to deal with it. They will make fundamental decisions about the work of the U.N. system in industrialization, housing, and provision of food to less-developed countries. They will examine pressing issues of human rights and the adequacy of existing machinery to deal with them. And, outside the U.N. itself, decisions will be made in the most ambitious negotiation ever undertaken to reduce trade barriers and on new measures for strengthening the world's monetary system.

These problems and prospects are considered in detail in the following chapters. It may be appropriate at this point to underline the critical importance of the decisions facing the U.N. in the peacekeeping field. Will the fiscal and constitutional integrity of the organization be maintained in the face of opposition from some of its members? Will improved procedures be found for initiating and financing peacekeeping operations? The answer to these questions cannot fail to have a decisive influence on the future of the United Nations not only as an instrument for peace and security but also as an instrument for the promotion of the general welfare. The work of the United Nations system in economic and social development is not likely to prosper if the countries that bear the principal burden of supporting it lose confidence in the constitutional integrity of the system.

How the United Nations survives this emerging crisis will be determined by the response of four groups of members:

The first group includes the Soviet Union and other Communist countries. In recent months, Soviet leaders have said uncommonly generous things about the importance of strengthening the peacekeeping work of the United Nations. Yet as these words are written, the Soviet Union still refuses to pay its peacekeeping assessments or negotiate meaningfully on new procedures for peacekeeping operations. In the final analysis, the peacekeeping work of the United Nations must continue—in the future as it has in the past—even without the cooperation of the Soviet bloc. Yet it is obvious that Soviet cooperation is greatly to be desired and that continued Soviet opposition will make progress more difficult.

The second group includes those countries from Africa and Asia which have recently achieved independence. Many of these countries describe themselves as "uncommitted." This term causes no problem if it means uncommitted as between parties, for rigorous adherence to an independent stance often serves the cause of freedom as well as choosing sides in the cold war. But the term is dangerous if it means uncommitted as to values, if it means that on any given subject, a country or a person takes a position that is halfway between the positions of the United States and the Soviet Union. Such a policy is the very negation of independence, for it makes the country or person applying it a dependent variable whose position on any given subject is determined by where the great powers stand. The day the members of the United Nations decide to be uncommitted to the principles of the charter, the organization will cease to exist.

If the Soviet Union fails to alter its policy on U.N. peacekeeping operations in the months ahead, it will test as never before the attitudes of the newly independent nations. The very future of the United Nations may be decided by the determination with which these countries implement their commitments to the charter in the face of Soviet opposition. If they respond to this new crisis as they have responded to similar crises in the past, they will rally to support the organization, out of a recognition of their basic interests in a stronger United Nations working in pursuit of freedom and economic advancement for all nations.

The third group includes the countries of Latin America and the older nations of Africa and Asia. In past years, they have helped to encourage a responsible dialog between the industrialized countries and the new members of the United Nations. Much depends on how they play this role in the future.

The fourth group includes the United States and the other countries of the North Atlantic Community, together with Australia, New Zealand, and Japan. These countries have provided the main material and moral support for the United Nations and other international organizations. The unusual obstacles that now obstruct the path to world order demand of them a much more unified and effective effort in the future. Such an effort will require a broader consensus than now exists on the ways in which the North Atlantic nations and their Pacific partners can employ international institutions to promote the common interest in peace and welfare. The development of this consensus should be an urgent item of public business for all these countries.

As anyone familiar with government knows, the making of policy is a corporate

rather than individual effort. While the author has helped to shape the policy of our Government on most of the subjects discussed in this book, he has been but one small part of a very large enterprise in which many others have shared. This volume is the result of a personal effort and the responsibility for any shortcomings in exposition or argument rests solely with the author, yet it must be emphasized that the final manuscript draws greatly on the suggestions of many government colleagues.

Every book reflects the particular perspective of its author. The character of this book would have been different had I never left Columbia University to become a State Department official. In government, the view is different (not necessarily better or worse) from what it is in private life. Moreover, subjects must be handled differently on the printed page. The government official benefits from inside knowledge, but he also observes restraints that are vital to the conduct of modern diplomacy.

John F. Kennedy liked to quote the ancient Greeks' definition of "happiness"—"the exercise of vital powers in a life affording them scope." Those who came to Washington in the spring of 1961 were blessed with an extraordinary opportunity to enjoy that kind of happiness. It was a particular joy for one whose central professional interest has been the development of international law and organization to find himself with a broad mandate to assist in the development of U.S. policy in the United Nations and other international organizations. It was still a greater privilege to be associated with a group of men and women dedicated to the same concerns and embodying the best combination of thought and action—thinkers and doers in the best sense of both words.

The person responsible for bringing me to Washington and the guiding force in the development of the ideas contained in this book has been Harlan Cleveland, Assistant Secretary of State for International Organization Affairs. My indebtedness to him, intellectually and otherwise, is infinite. I owe a similar debt to Ambassador Adlai Stevenson, who continues to be an inspiration for all those beating paths to world order. I should also like to mention the other leading members of the team who helped to shape U.S. policy in international organizations in the Kennedy-Johnson administration, and whose contributions are reflected here—my colleagues Joseph J. Sisco, Elmore Jackson, and Thomas W. Wilson. And it is difficult to overestimate the continuing contribution to policy made by the extremely able members of the career service in the Bureau of International Organization Affairs, surely one of the most extraordinary concentrations of talent in this or any other government. Special thanks must be given to Mrs. Mary Frances Keyhole. who discharged with her usual good nature and efficiency the difficult assignment of preparing this manuscript.

Grateful acknowledgment is hereby made to Foreign Affairs, the Saturday Review, and the New York Times Sunday Magazine for permission to use material originally published in those periodicals.

LEGISLATION DESIGNED TO TEMPORARILY RELEASE 100,000 SHORT TONS OF COPPER FROM NATIONAL STOCKPILE

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. MONAGAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MONAGAN. Mr. Speaker, I have today introduced a bill to authorize the temporary release of 100,000 short tons of copper from the national stockpile. In addition, I have today addressed a letter to Edward A. McDermott, Director of the Office of Emergency Planning, to request that he continue his discussions with other Federal agencies and representatives of the copper industry to determine whether additional relief can be provided administratively to alleviate immediately the hardships caused to the industry by the current shortage of the metal.

I was happy to announce in December the receipt of a communication from Director McDermott in which he informed me that he had authorized, at that time, the sale of 20,000 tons of copper from the Defense Production Act inventory. Last October there were 30,000 tons of stockpile copper released for use by the Bureau of the Mint. The producers of copper in my district have informed me that the release of 20,000 tons of copper to the industry will be helpful, but that it will not solve the problem of market stability. It has been estimated that it would take from 6 months to a year for distributors to meet current demands and I have, therefore:

First. Asked for further administrative action.

Second. Filed legislation authorizing the Director of the Office of Emergency Planning to make available to domestic producers of copper 100,000 short tons under such rules and regulations as he may prescribe. One of the terms would be the requirement that the producers receiving such copper agree to restore it in equal amount and grade not later than 1 year after its receipt or, in the event of an emergency as determined by the President, not later than 60 days after notice thereof.

Mr. Speaker, the industry and the economy of my district are dependent to a major degree upon the availability of copper. Similar bills have been filed by some of my colleagues. I hope that the House will support us in this endeavor.

SENATOR GAYLORD NELSON SAYS "KEEP ST. CROIX RIVER CLEAN"

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. FRASER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. FRASER. Mr. Speaker, an eloquent appeal for conservation of our river resources was made by Senator GAYLORD NELSON, of Wisconsin, last Thursday, January 14. He appeared in Stillwater, Minn., at a hearing on the future of the St. Croix River, a beautiful clean river forming the boundary between Minnesota and Wisconsin.

Senator NELSON's speech, which follows, should be read by all Members of Congress:

STATEMENT BY SENATOR GAYLORD NELSON BEFORE A JOINT HEARING BY THE MINNESOTA CONSERVATION COMMISSIONER, WAYNE OLSON, AND THE MINNESOTA WATER POLLUTION CONTROL COMMISSION IN STILLWATER, MINN., JANUARY 14, 1965

I appreciate the opportunity to appear here today before this joint hearing of the Minnesota Conservation Commissioner and the Minnesota Water Pollution Control Commission. I want it to be clear at the outset that I am appearing here today on my own time and expense as a private citizen. I represent and speak only for myself. Though I grew up in a fine little village not far from the banks of the St. Croix, my prime concern over this river is neither parochial nor nostalgic. It is the same broad concern that all conservationists have about these matters whether it be the wilderness of the West, the Redwoods of California, the Indiana dunes, or the Appalachian Trail of the East.

This morning I want to speak briefly about conservation as an issue in American life, and about why it has been for so long an uphill fight and why, I believe, the tide must turn now or the cause be irretrievably lost.

I hope to outline the compelling reasons why the St. Croix River ought to be reserved for recreation development, and why this will be in the best interests not only of the Nation and the metropolitan area, but even of Washington County, Minn.

The agencies holding this joint hearing are the only public agencies that have any power under present legal arrangements to consider the broad issues involved in this dispute. I hope that you take these broad issues into consideration and that you examine the information now being gathered by the Federal-State Task Force on the St. Croix before you reach your decision.

With President Johnson's commitment to protecting our natural heritage and to preventive action on water pollution, the nationwide conservation movement has taken on a new political luster.

Let me quote for a moment from the state of the Union message:

"For over three centuries," the President said, "the beauty of America has sustained our spirit and enlarged our vision. We must act now to protect this heritage."

This statement reflects both wisdom and hard political sense. The wisdom is familiar to all of us from our schoolday acquaintance with John Muir, Henry Thoreau, and the other greats of the long, but losing 19th century battle to preserve some of our natural wilderness.

Wisdom has often seemed a kind of euphemism for the attractive but impractical position in that battle.

But times are changing. President Johnson is as much a reflection of that change as he is its leader.

The day when short-term economic gain could easily win over long range public conservation interests is about at an end. The vital need to preserve what is left is widely recognized.

To put it bluntly: There is a rapidly growing public interest in conservation that just was not there before. Perhaps some people care now who did not before because they have the money and the leisure to enjoy the out-of-doors; or perhaps it is because increasing tens of thousands of people in our vast metropolitan wastelands finally sense a growing isolation from nature; or because of the dawning awareness that the children have no place to play, the adults

no place to relax in peace and the environment no place to accommodate the beauty and wonders of nature. Whatever the reasons, there most certainly is a developing sense of dismay over the wanton destruction of our resources.

I think one little-noted element in this change is a new recognition of the vital economic importance of outdoor recreation.

According to the highly regarded report to the President of the Outdoor Recreation Resources Review Commission (ORRC report), outdoor recreation is a $20 billion a year business—and it is growing by leaps and bounds.

The report, by the way, makes at least two statements directly relating to the decision before this hearing:

First, it states that the recreation resource in greatest demand and shortest supply is water-oriented recreational areas handy to metropolitan areas.

Second, it says, the area of the Nation that by 1980 will have the largest demand for outdoor recreational facilities is the north central census region. As you know, the Twin Cities are the great population center for the western part of that region.

It may be hard to realize for those who have lived their lives in the St. Croix Valley, but Minnesota and this entire region have a priceless recreation resource in this river—a clean, large, spectacularly beautiful river within a half hour's drive of a major population center.

I am appearing here today to express the hope that you preserve this river in its present state for yourselves and as a heritage for those who come after you.

The President said: "For 300 years the beauty of America has sustained our spirit."

Under industrious cultivation our rich and beautiful land not only sustained our spirit but has made us rich beyond our greatest dreams.

We have always been grateful, but I fear we have too often forgotten the need to conserve as much as possible of this rich inheritance we have received. Everyone, or nearly everyone, is in favor of conservation—in principle. But in fight after fight, the general public interest in conservation has lost out to the specific local interest in commercial development.

Perhaps the conflict goes back to the day when the white man first faced the original American.

The white man brought from Europe ideas of land management very different from the Indian's.

The Indian had great reverence for the land. He knew he depended upon it for life itself. The fruit of the earth confirmed the generosity of the gods. The land belonged not to the individual, but to all his people.

The white man, of course, thought in terms of individual exploitation—too often for private gain at public expense.

It is only gradually that we are coming to see that there is much truth for us in the original American's idea.

Thoreau and Muir, and our other early conservationists, had a good deal of the Indian about them. But the fight they waged was little more successful than the Indian's.

In most conservation contests—whether over the use of the Indiana dunes, of the Redwoods of California, or the St. Croix—there is usually a sizeable group of local people willing to grant the validity of the conservationist's arguments, but bowing in this specific instance to the strong local economic interest in the development of a specific forest, river, or bit of lakeshore.

The fight has been unequal—eloquent spokesmen preaching lofty conservation generalities on the one hand, determined people seeking their bread and butter on the other.

The country has always seemed so vast, its resources so endless, and economic progress so American, that the conservation interests, except in areas of marginal economic utility, have almost always lost the contest. No single one of these lost contests loomed large in the total picture. But down through the decades these thousands of lost contests have spelled the destruction of a major portion of America's resources.

In this way, most of the great rivers of America have been systematically destroyed, in the name of progress.

George Washington dreamed of the Nation's capital on the beautiful Potomac, the river praised by early travelers for its exceptionally sweet water.

But since Washington left us with his dream, tons of silt from exhausted tobacco plantations, acids leeching into the river from abandoned mines, industrial wastes and half treated sewage have fouled this once sweet river and turned it into a national disgrace. Stand on the lawn in front of George Washington's Mount Vernon home today, gaze across the broad expanse of the Potomac, and your view will be scarred by a sign proclaiming: "Danger, polluted water."

The U.S. Corps of Engineers has proposed to spend $500 million to build a system of dams to flush out this scenic sewer. And now the President is thinking in terms of a multi-million-dollar program to restore some measure of the river's great reputation.

Call the role of the great American rivers of the past, and you will have a list of the pollution problems of today—the Androscoggin in Maine; the Connecticut, that boundary water between the Green Mountain and the Granite States; the mighty Hudson; the thermally polluted Delaware; the Ohio; the Mississippi; the Missouri; and even your Minnesota, covered from time to time by flotillas of sugarbeet chips.

The story in each case is the same: they died for their country. They died in the name of economic development.

And now we must spend vast amounts of money if our people are not to become sick from their dying.

The story of America's commercial development, which is in large part the story of her rivers, is a glorious one. We all benefit. But we are only beginning to reckon the price we must pay for the foolish squandering of our limited supply of clean water.

The story of America's rivers warns us against that American spirit of optimism that presumes there is always more to be had and more to be carelessly wasted.

The vision of the frontier, with its promise of untapped land and fresh opportunity has always been part of our dream. It has not, however, been part of our reality for some 70 years. We are only now coming to realize this fact.

We must act now to plan, and to husband this heritage of land and water carefully. Our long tradition of private land ownership and management makes these things very difficult for us, but we are learning.

It seems logical to me that some rivers ought to be working rivers, kept as clean as possible, but recognized and designated as industrial and commercial arteries. The Mississippi is a most obvious candidate for classification.

Others ought to be classified as wild rivers, and still others as recreation rivers. Your favorite trout stream most certainly ought to be protected in a wild state. Rivers like the lower St. Croix, that offer unusual potential for recreational development, ought to be set aside for wise recreational development, especially when there are working rivers nearby.

The St. Croix is the last large clean river near a major metropolitan area in all of the Midwest. If we don't halt commercial exploitation here, where shall we stop?

The upper St. Croix is a river that got a second chance. By 1903 the stripping of the valley's forests had left it nearly bare—and made the river towns rich. But 60 years of quiet have reclothed its banks with trees and stabilized its soil with grass. Now it has been studied as a wild river, part of a new Federal program for the preservation of our dwindling supply of undeveloped streams. It looks like the upper St. Croix is going to be preserved. We can all be grateful.

The towns of the lower St. Croix thrived on timber fortunes and related industrial development while the upper valley was being stripped.

The magnificent period architecture in Stillwater is a tribute to those prosperous, highhanded old days.

But since World War I, the lower St. Croix valley has been industrially becalmed. Local citizens have kept up their hopes for a rebirth of industry, but without any luck. In 1938, as Mr. Chester Wilson so eloquently explained at our Senate subcommittee hearings in December, the U.S. Army Corps of Engineers completed a 9-foot barge channel 23 miles up the river to Stillwater in hopes of attracting industry.

Washington County is already part of the Twin Cities metropolitan area. Even in 1960, according to the census, 50 percent of the county's wage earners worked outside its borders—in the Twin Cities, of course. The pressure on the schools of Free School District 834 comes from the children of Twin Cities' workers who are making their homes in this beautiful county.

By the year 2000—only 35 years away (those of you who remember 1930 will realize what a short time 35 years is)—the Twin Cities area population will hit the 2 million mark, according to a report by your metropolitan planning commission, and Stillwater will be practically downtown.

"In our urban areas," President Johnson said in his state of the Union message, "the central problem today is to protect and restore man's satisfaction in belonging to a community.

"The first step is to break old patterns—to begin to think, work, and plan for the development of entire metropolitan areas."

Now, but even more in the years immediately ahead, this great and growing metropolitan area will need the St. Croix as a recreational resource, not as an industrial site.

Despite its sparkling array of lakes and woods the Twin Cities area, again according to the metropolitan planning commission report, is even today short of outdoor recreational facilities. In fact it has only 30 percent of what is considered desirable (10 acres for every 1,000 residents).

The Upper Midwest Research and Development Council reports that in the next 15 years the Twin Cities area will bear the brunt of the continuing migration from the small towns and farms of the north central region.

With incomes going steadily up (the gross national product is predicted to jump 95 percent in the next 15 years) and more and more leisure time available, the need for and demand for outdoor recreation in the beautiful lower St. Croix Valley will be enormous.

Conservationists usually find themselves in the position of arguing for abstract values against men holding gilt edge balance sheets.

We are beginning, however, to develop some facts that help explain the dollar value of green space and recreational areas.

For instance, it was discovered in New York City that, over a 15-year period, property located on Central Park increased 18 times in value while similar property away from the park only doubled in value.

In Washington, D.C., it has been demonstrated that the total investment in lovely Rock Creek Park has been more than paid for by the increased tax income on the properties near the park.

Those who fear that without heavy industry Stillwater is doomed to be just another dying river town are looking to the past, not to the future. Recreation develop-

ment offers more in the long run than the development of industry on the St. Croix.

The Northern States Power Co. proposes to begin construction this year on the first of two coal-operated steam-electric generating units at Oak Park Heights, Minn., just south of Stillwater. The first unit would have a capacity of 550,000 kilowatts. It would have a 785-foot smokestack, a half-mile coal pile, and require 660 cubic feet of river water per second for cooling and condensing steam. The second unit, a 750,000-kilowatt unit, would of course require even more cooling water.

Valley residents and thoughtful conservationists everywhere fear the heat pollution of the river, pollution of the air by the sulfur gases from the burning of low grade fuel, and the fiftyfold increase in barge traffic on the river that the first unit of the plant would require. In essence, this plant will simply and unnecessarily reduce the value of the river for recreation at a stage in history when the trend should be sharply reversed.

On the narrow question of water pollution danger, I have no new information to add. The Minnesota Water Pollution Control Commission is, I am confident, able to sift all the available evidence on that problem. If the evidence shows that the operation of the plan will have any adverse effect on the water quality or the ecology of the river, I am confident that the commission will either turn down the company's application for a permit to return heated water to the river, or at least require the construction of the proper cooling towers to insure the river against damage.

I would like to raise one question, however.

The national power survey just released by the Federal Power Commission indicates that it is generally considered sound practice to limit stream diversion for steam condensation to one-half the streamflow.

The first unit of the proposed Allen S. King plant would require, I understand, 660 cubic feet per seecond, well over half the 1,000 cubic feet per second which is the 10-year minimum flow of the St. Croix at Oak Park Heights. Since the second unit of the plant is even larger than the first, I am anxious to see evidence behind the company's assurances that no harm will be done to the river by such massive withdrawal of its waters.

I would like to make one other comment. The company asserts that the additional cost of constructing this plant on the Mississippi—say at the Prairie Island site, north of Red Wing, Minn.—would not be great enough to affect the electricity rates.

It has also argued the wisdom of developing the St. Croix site now on the grounds that the power requirements of the Twin Cities area in the years ahead will be so great that all available sites must be developed at one time or another, and the best time to develop the St. Croix site is now.

Given the fantastic pace in powerplant design and development—it was only in 1961 that the first 500,000-kilowatt steam-electric generating plant went into operation—would it not be wise to hold off on using the St. Croix site for the time being in the expectation that new developments in plant capacity would make using the site unnecessary?

The pollution questions you are expected to pass on. The larger questions, more crucial really, raise perplexing problems.

The fact is that the fight over the location of this plant reveals a gap in the fabric of our institutions. It raises the question of land-use evaluation. There is no agency available to resolve that question.

This is a genuine, honorable conflict. Which is to come first on the St. Croix—power development or recreation and conservation? Who can decide the question?

This case raises the age-old question of land use and resource use, a question that must daily be decided in situation after situation across the country.

Whose responsibility is it?

Are we to ask Northern States Power Co. officials to make their decision on the basis of the area's present and future recreational needs?

The Washington County officials? For the taxpayer that $68 million plant is a well-nigh irresistible tax windfall, although I believe there are some who see the long-range dangers.

In the absence of any regional, or metropolitan planning authority, the appeal must be made to this joint hearing to take the larger considerations into account.

I am aware there are differences of opinion over the scope of authority vested in the conservation commissioner by the words "health and welfare" in the pertinent section of the statutes. These are matters over which competent counsel are expected to differ. But since they do differ and the issue is so important, it surely is a matter that ought to be settled by the appropriate court before authorization is granted the company to proceed.

That there is a vested public interest in public waters as such is clear; that any reasonably liberal interpretation of the word "welfare" raises the question of the stake of the general public in this matter; that since this is a private utility with a monopoly in a service area set by the Government, the company can hardly argue that a few months of delay will cause irreparable damage—while whatever damage is done by the plant to the river will be irreparable.

Furthermore, I am advised that the company plans to proceed with construction on other sites including the Mississippi in the years immediately ahead.

I ask again, would it not be reasonable to develop another site now, saving the lovely St. Croix for exploitation at some future time and only if absolutely necessary?

I know you all realize this is a case of national significance. It has attracted attention of the press and magazines through the Midwest and from coast to coast. The New York Times, the Washington Post, the Nation and New Republic have written stories and editorialized about it.

During the past 100 years we have wrought more wanton destruction of our landscape than any previous civilization accomplished in 1,000 years. We now say, what a pity our ancestors didn't have the foresight to husband our bountiful resources more sensibly. How much richer we would be both in esthetic and material wealth had they had more vision and more courage. Before this case is decided I think we all should ask ourselves this question: What are our great-great-grandchildren going to say about us a half century from now?

I might add that beginning attempts at the industrialization of the St. Croix made it clear that Federal action is needed to protect the national interest.

Therefore, I am now drafting a bill to make the entire length of the St. Croix and its Wisconsin tributary, the Namekagon, into a national scenic waterway.

North of Taylors Falls the St. Croix would be designated a "wild river" as envisioned in the Federal study. A national recreation area would be laid out along the lower St. Croix.

A number of Washington county people seem to feel that Save the St. Croix, Inc. is made up of wealthy yachtowners who want to keep Lake St. Croix as their private playground.

This charge is not based on fact. But the fact is that if the St. Croix is to be made a recreation area for all, careful planning must begin now. Access points and riverside parks must be developed and proper zoning regulations worked out in cooperation with local property owners. The river must be made available to all the people of the area.

That is the purpose of the bill I am drafting.

The future establishment of a St. Croix National Scenic Waterway would, of course, have no legal effect whatever on the Northern States Power Co. proposal now before you. That decision rests with you.

SEMIANNUAL SESSION OF THE COUNCIL OF INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. WILLIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. WILLIS. Mr. Speaker, it was my pleasure to attend, in November 1964, the regular semiannual session of the 29 member-governments session of the Council of ICEM—Intergovernmental Committee for European Migration—held in Geneva, Switzerland. The U.S. congressional delegation, of which I had the honor to be a member, was composed of the gentleman from Kentucky [Mr. CHELF], the gentleman from New Jersey [Mr. RODINO], the gentleman from Colorado [Mr. ROGERS], the gentleman from New Jersey [Mr. CAHILL], the gentleman from Maryland [Mr. MATHIAS], and the Senator from West Virginia [Mr. BYRD].

Permit me to say, Mr. Speaker, that the debates held in Geneva have once more acknowledged the vitality and the usefulness of ICEM, an organization conceived and founded by our lamented colleague and friend, Francis E. Walter, as a valuable and important instrument serving not only humanitarian principles and aims but—first and foremost—vital U.S. interests in the field of our national immigration policy and world migratory movements.

The most important task facing ICEM at the present moment is to find ways and means to cope with a rising trend of demands from new refugees for resettlement. While the generosity of many countries maintains their doors open—Australia, Canada, South Africa, Sweden, and New Zealand should be mentioned at this point together with the United States operating under the refugee fair share law—the increase of needs for expeditious movement of refugees creates for ICEM additional financial difficulties.

The current situation in the refugee sector of ICEM's operations was presented to the organization's Council by ICEM's new Deputy Director Walter M. Besterman, who served as our counsel for over 19 years.

When Walter Besterman resigned from the staff of the Judiciary Committee last September to assume his post in Geneva to which he was unanimously elected by ICEM's Council, the Speaker had this to say about him, among other things:

Besterman researched and presented the facts with a strict and inflexible integrity for the whole truth and then he let the facts

and the history behind them speak for themselves. When, as so often happened, his counsel and personal advice were sought by those who were charged with the responsibility for legislation and for action, he provided it in a manner that cast a penetrating shaft of light on the facts of a situation.

The presentation of the current refugee problems by Walter Besterman was in his best tradition. No wonder he was vigorously applauded by all present at the meeting, a very infrequent occurence in Geneva meetings.

For the information of the House, his address follows:

STATEMENT MADE BY MR. W. M. BESTERMAN, DEPUTY DIRECTOR OF ICEM, AT THE 193D MEETING OF THE COUNCIL OF THE INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION, HELD AT GENEVA, NOVEMBER 10, 1964, ON REFUGEE MIGRATION

Thank you very much, Mr. Chairman. I was requested by the Director to introduce to the Council document MC/INF/116, which is being presented pursuant to a specific directive incorporated in Resolution No. 315, document MC/663 of last May's session, and additional views of the subcommittee on Budget and Finance expressed in the course of its meeting held in Washington in September. The document reaches the Council forwarded by the executive committee under action taken last week. The administration respectfully submits it as an information paper, containing what we believe to be a comprehensive recital of the scope and the principal characteristics of existing demand for movements of refugees to areas of resettlement which have been opened to them through the generosity of various receiving governments.

As we see it, the problem of European refugees is far from being solved. In fact, the contrary seems to be the truth. What we consider to be legitimate demands for our assistance grow in their size and in their complexity, while the need for timely assistance in the movement of refugees becomes more acute.

Fully realizing that because of a variety of factors ICEM is and will be prevented from complying with every request for assistance in the movement of refugees, the administration, under directives given us by our governing bodies, presents to the Council and all governments of good will, our minimal approximation of the status of current demand for assistance to refugees as we are able to assess it in the realistic context of presently foreseeable income.

As I mentioned a while ago, Mr. Chairman, there are two basic points to be considered: (1) the size of the demand and (2) the need for timely assistance, if such is to be accorded at all.

First, how come we are faced with urgent requests for movement of refugees while camps in Europe have been closed long ago—with very few exceptions—and the United Nations High Commissioner for Refugees indicates the need but for the movement of a modest number of residual or handicapped cases? Who are the refugees who knock at our door for assistance?

I am most happy, Mr. Chairman, to be able to report to this Council that this administration has been and is receiving full and complete understanding and cooperation of the High Commissioner. In Rome, 2 weeks ago, where I had the honor to represent ICEM at the meeting of the High Commissioner's executive committee, we found wholehearted support expressed in one of the resolutions adopted there.

Who are then the refugees who ask for our assistance? The answer is given, I believe, on pages 4 and 9 of the document I referred to which I would invite the Council to examine. Also, the information contained on pages 4 and 9, inclusive, is summarized briefly for the Council's convenience in two tables added as an annex, with the very final figure at the right hand of the second page of the annex indicating what is the financial size of the problem. It is $249,843, exactly 1 percent of this organization's total budget.

The influx of new refugees arriving in Western Europe shows a slight increase over the last annual average which was approximately 10,000. Most of the new refugees are the people that we have known for years: Czechs and Slovaks, Yugoslavs, Poles, and Hungarians but, significantly, because of political events an increasing number of Albanians. In addition to that, there is an increasing number of refugees transiting through Western Europe to areas of resettlement. This category of refugees includes those who succeed in obtaining visas or other type of entry permit from the receiving countries prior to the time they leave the countries which they are abandoning.

Although, legally, the great majority of refugees who apply for ICEM's assistance fall within the mandate of the High Commissioner, they do not show in the statistics including camp inmates. The reason for this is that voluntary agencies and ICEM begin to process them for movement to areas of resettlement before they obtain exit permits. It is precisely for this reason that they do not become camp residents. They do not become a burden upon the countries of asylum and upon the international community supplying funds for care and maintenance.

The Director has pointed out in his report on ICEM's policy and programs that we take pride in the fact that, thanks to the efforts of the voluntary agencies and the improvement of our own procedures, we are now moving to the receiving countries human beings not eroded by the depressing and demoralizing influence of camp life. We also believe that we are contributing to the welfare and the interests of the countries of first asylum by relieving them of the financial and administrative burdens stemming from maintenance of camps.

Under the well thought out intent of the framers of our charter, the Brussels resolution of 1951 and the Venice Constitution of 1953, this organization does not operate under the legal definition of "refugee" as does the United Nations High Commissioner and as did the old IRO. What prevails in our operations as far as determination of refugee status is concerned, is (1) the historical, traditional acceptance of the meaning of that term, and (2) national criteria, national policy determinations, and national legislative definitions used for admission purposes. Combining the two principles, ICEM assists in the movement of refugees strictly in accordance with the policy of the receiving countries and under one overriding governing principle: availability of funds.

The paper before you, Mr. Chairman, offers, I believe, the opportunity for the unequivocal application of these two principles in predicating the collective assistance to each movement upon the unencumbered freedom of choice of each money-contributing and immigrant-receiving government. Briefly, what we are offering on these pages 4 to 9 of the document—what we are offering each government—is the opportunity to indicate to us, specifically, the class or category of refugees it desires to assist through the use of our operational machinery. Thus, it is made abundantly clear, I believe, that only those refugees will be moved to areas of resettlement for whose assistance funds are provided. Consequently, as it was pointed out in our progress report, not all of the refugees requesting our assistance will be accorded it. Our budget paper for 1965 which the Council will consider subsequently brings out clearly, I submit, the fact that our refugee movements estimates are being adjusted to budgetary realities. In simple words, this means that the task cut out for us by the member governments in years past will not be carried out in full as long as the tools supplied us remain inadequate.

Obviously, it is for the governments to determine to what extent and which part of the task is to remain unfulfilled.

The paper under discussion makes it evident, we believe, that we are faced now with a refugee problem vastly different from the one World War II left the free world to cope with. Save for a few exceptions, we are not dealing with displaced persons and refugees as the international community knew them in the past. Today, the refugee who desires to obtain a new lease on life is the victim of circumstances which arose in the wake of World War II, after the guns were silenced but the world did not obtain tranquillity nor stability.

What are the causes of the continuing presence of the European refugee problem?

I shall attempt, Mr. Chairman, to summarize them, as briefly as I can.

One, the continued existence of political systems not acceptable to many of those who are forced to live under them—that produces more refugees. As someone said, people leaving the domains of oppressive regimes, "vote with their feet."

Two, political events resulting in the creation of new sovereignties, many of which are founded on religious and racial bases—that produces more refugees.

Three, new systems of persecution and discrimination based on political, religious or racial grounds—that produces more refugees.

Four, unfortunate manifestations of immature, often rampant nationalism directed primarily against those who bear the stamp of belonging to those European nationalities in whose name colonies were administered—that produces more refugees.

Five, successful attempts of some governments at forcing out of the countries those whom they call members of the former ruling and privileged classes—that produces more refugees.

Six, the displeasure of some governments with the disruptive influence of the flow of messages in which a happily resettled refugee reports from the free world back home to his unhappy relatives, his wife, child, parent, brother, or sister—that causes some governments, often after years of hesitation, to adopt the policy of "good riddance" expressed in an exit permit—and that produces the family reunion cases.

All of these refugees are listed in our paper in what we believe to be plain and judicious language. It is in the document before you, sir. The appearance of each group is the direct result of one or more of the circumstances I tried to identify.

All of them are Europeans, all of them stem from the same European stock that in centuries and decades past settled Latin America, Australia, Israel, South Africa, Canada, and the United States.

As I said, we full well realize that not all of their number may receive our assistance through your governments' generosity. We nevertheless list them all as we believe that they are all entitled at least to beg for assistance in their quest for a new happier life.

Now, in the course of last week's discussions held in our Executive Committee there was a very valid point raised, I believe, as to the European and oversea community's moral responsibility for the recognition that persons abandoning certain Mediterranean areas as a result of the various types of pressures I tried to describe may properly be classified as refugees.

Well, Mr. Chairman, personally, I think it will be presumptuous to suggest any policy determinations to any of the member governments of ICEM.

Nevertheless, permit me to bring to the attention of the Council some actions taken by my Government, by the U.S. Government. In the aftermath of the Suez crisis of 1956, realizing the change of attitude of certain countries of the Near East toward national and religious minorities—in plain language, Christians and Jews—the Congress of the United States approved an amendment to the Refugee Act of 1953, which was then on our statute books. Under that amendment the United States opened its doors to certain closely defined refugees "from any country within the general area of the Middle East," such area extending, under the language of the law, "from Libya to the west, to Turkey on the north, Pakistan on the east, and Saudi Arabia and Ethiopia on the south." The author of that amendment, which became the law on September 11, 1957, and remains in full force at the present time, was the then Senator John F. Kennedy, of Massachusetts. His amendment was successfully piloted through the House of Representatives by the late Representative Walter with the active, invaluable assistance of several distinguished gentlemen occupying today the seats in the U.S. delegation, such as the gentleman from Kentucky, the gentleman from New Jersey, the gentleman from Louisiana, and the gentleman from Colorado. It might be worthwhile to add, Mr. Chairman, that Senator Kennedy's amendment passed the Senate and the House of Representatives unanimously.

Three months before his martyr's death, President Kennedy formally requested the Congress to liberalize further the definition of a refugee by dispensing of certain encumbrances such as, for instance, the requirement of eligibility under the United Nations High Commissioner's mandate. That recommendation, endorsed by President Johnson, is pending before the Congress and by the time I left the committee, for whom I had the honor of serving for over 19 years, I found, personally, no opposition to that particular part of the proposal and if I am wrong I may stand corrected by my five former bosses who are in the room.

The second basic point I raised, Mr. Chairman, was timeliness of movement. Why do we believe that carrying out the movements as expeditiously as money and international arrangements permit, is essential? The answer lies, paradoxically, in our inability to foresee or forecast the next turn the policy of certain governments will take.

There is no assurance that the expired exit permit and the one-way passport would be renewed when, at expiration time, we are still not ready to effectuate the movement which we are theoretically authorized to carry out except that we have no money to pay for. There is no assurance that a change in the degree of internal or external pressures upon a government would not cause a change in its present exit policy.

In all frankness, how would we know if and when powerful influences will start objecting more vigorously to the exodus of Christians and Jews from north Africa? How would we know if and when personnel changes on the ruling level of the Soviet Union will result in pressures upon the captive governments to tighten up on exits or stop them altogether? How would we know if and when even the most meritorious program, the one of refugee family reunion, will be slowed down, curtailed or totally eliminated?

All of the present exit policies practiced by the governments with which this international organization maintains no contact may stop as suddenly as they started. This is the reason, Mr. Chairman, for the note of urgency for which we apologize, the note of urgency which is easily detectable from our papers.

We do believe, however, that the matter is urgent. Human beings are involved, and you know, Mr. Chairman, that even perishable goods are usually shipped under the label "Rush."

Thank you, Mr. Chairman.

GENERAL LEAVE TO EXTEND

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks on House Resolution 126, which was passed today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HOSMER (at the request of Mr. GERALD R. FORD), for today, on account of Government business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GUBSER (at the request of Mr. TALCOTT), for 30 minutes, on January 25, 1965.

Mr. COOLEY (at the request of Mr. HUNGATE), for 60 minutes, Tuesday, January 26, 1965, vacating his special order of today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

(The following Member (at the request of Mr. TALCOTT) and to include extraneous matter:)

Mr. QUIE.

ADJOURNMENT

Mr. HUNGATE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, January 20, 1965, at 10:30 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

383. Communication from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1965 in the amount of $1,742,209,000 for the Department of Agriculture (H. Doc. No. 59); to the Committee on Appropriations and ordered to be printed.

384. A letter from the Secretary of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to increase the size of the Joint Staff, and for other purposes; to the Committee on Armed Services.

385. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Inter-American Development Bank Act to authorize the United States to participate in an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank; to the Committee on Banking and Currency.

386. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to authorize the appropriation of funds for the maintenance and instruction of deaf, mute, and blind children of the District of Columbia; to the Committee on the District of Columbia.

387. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Facility Act of 1942 to authorize the maintenance and repair of parking meters and payment for parking meters from fees collected from such meters; to the Committee on the District of Columbia.

388. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to authorize the Commissioners of the District of Columbia to utilize certain funds for snow and ice control; to the Committee on the District of Columbia.

389. A letter from the Comptroller General of the United States, transmitting a report on overpayments of per diem travel allowances, Department of State; to the Committee on Government Operations.

390. A letter from the Chairman, Federal Communications Commission, transmitting the 30th Annual Report of the Federal Communications Commission, pursuant to section 4(k) of the Communications Act of 1934, as amended; to the Committee on Interstate and Foreign Commerce.

391. A letter from the Secretary of the Air Force, transmitting a draft of proposed legislation to remove the present $5,000 limitation which prevents the Secretary of the Air Force from settling and paying certain claims arising out of the crash of a U.S. aircraft at Wichita, Kans.; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Illinois:

H.R. 3138. A bill to adjust wheat and feed grain production, to establish a cropland retirement program, and for other purposes; to the Committee on Agriculture.

By Mr. BELL:

H.R. 3139. A bill to amend title 18 of the United States Code to provide for the greater protection of the President and the Vice President of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. HARRIS:

H.R. 3140. A bill to amend the Public Health Service Act to assist in combating heart disease, cancer, stroke, and other major diseases; to the Committee on Interstate and Foreign Commerce.

H.R. 3141. A bill to amend the Public Health Service Act to improve the educational quality of schools of medicine, dentistry, and osteopathy, to authorize grants under that act to such schools for the awarding of scholarships to needy students, and to extend expiring provisions of that act for student loans and for aid in construction of teaching facilities for students in such schools and schools for other health professions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3142. A bill to amend the Public Health Service Act to provide for a program of grants to assist in meeting the need for adequate medical library services and facilities; to the Committee on Interstate and Foreign Commerce.

By Mr. COHELAN:

H.R. 3143. A bill to provide for the erection of a monument on Alcatraz Island to commemorate the founding of the United Nations in San Francisco, Calif., in 1945, and to serve as a symbol of peace; to the Committee on Interior and Insular Affairs.

By Mr. CONTE:

H.R. 3144. A bill to amend title 38 of the United States Code to allow the Administrator of Veterans' Affairs, under certain circumstances, to disclose information which he has relating to the whereabouts of individuals; to the Committee on Veterans' Affairs.

By Mr. DANIELS:

H.R. 3145. A bill to amend the Civil Service Retirement Act to increase from 2 to 2½ percent the retirement multiplication factor used in computing annuities of certain employees engaged in hazardous duties; to the Committee on Post Office and Civil Service.

By Mr. DINGELL:

H.R. 3146. A bill to amend the War Claims Act of 1948, as amended, to provide compensation for certain additional losses; to the Committee on Interstate and Foreign Commerce.

H.R. 3147. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

H.R. 3148. A bill to amend title II of the Social Security Act to provide that the child of an insured individual, after attaining age 18, may continue to receive child's insurance benefits until he attains age 22 if he is attending school; to the Committee on Ways and Means.

By Mr. DULSKI:

H.R. 3149. A bill to amend the Federal Deposit Insurance Act and title IV of the National Housing Act to increase the amount of insurance applicable to bank deposits and savings and loan accounts to $25,000; to the Committee on Banking and Currency.

H.R. 3150. A bill to amend the Federal Employees' Group Life Insurance Act of 1954 so as to modify the decrease in group life insurance at age 65 or after retirement; to the Committee on Post Office and Civil Service.

H.R. 3151. A bill to extend benefits under the Retired Federal Employees Health Benefits Act to the survivors of retiree annuitants who died before April 1, 1948, and to employees who retired from the Tennessee Valley Authority and Farm Credit Administration, prior to July 1, 1961; to the Committee on Post Office and Civil Service.

By Mr. DUNCAN of Oregon:

H.R. 3152. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rouge River Basin project, Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FRASER:

H.R. 3153. A bill to provide a hospital insurance program for the aged under social security, to amend the Federal old-age, survivors, and disability insurance system to increase benefits, improve the actuarial status of the disability insurance trust fund, and extend coverage, to amend the Social Security Act to provide additional Federal financial participation in the Federal-State public assistance programs, and for other purposes; to the Committee on Ways and Means.

By Mr. GATHINGS:

H.R. 3154. A bill to amend the Agricultural Act of 1949 to provide for the increased use of milled or enriched rice by the Armed Forces, Federal penal and correctional institutions, and in certain federally operated hospitals, and for other purposes; to the Committee on Agriculture.

H.R. 3155. A bill to permit the exchange between farms of cotton acreage allotments for rice acreage allotments; to the Committee on Agriculture.

By Mr. HAGAN of Georgia:

H.R. 3156. A bill to amend title II of the Social Security Act to provide that a woman who is permanently and totally disabled may become entitled to widow's insurance benefits without regard to her age if she is otherwise qualified; to the Committee on Ways and Means.

By Mr. HARRIS:

H.R. 3157. A bill to amend the Railroad Retirement Act of 1937 to eliminate the provisions which reduce the annuities of the spouses of retired employees by the amount of certain monthly benefits; to the Committee on Interstate and Foreign Commerce.

By Mr. HUOT:

H.R. 3158. A bill to authorize assistance under the Area Development Act for certain additional areas which have sustained, or are about to sustain, sudden and severe economic hardship; to the Committee on Banking and Currency.

By Mr. JOELSON:

H.R. 3159. A bill to amend the Internal Revenue Code of 1954 to provide an exclusion from gross income of interest on savings deposits; to the Committee on Ways and Means.

By Mr. KUNKEL:

H.R. 3160. A bill to provide an exemption from participation in the Federal old-age and survivors insurance program for an individual member of a recognized religious sect who is conscientiously opposed to acceptance of benefits because of his adherence to the established tenets or teachings of such sect; to the Committee on Ways and Means.

By Mr. McCARTHY:

H.R. 3161. A bill to amend the Internal Revenue Code of 1954 to exempt schoolbuses from the manufacturers' excise tax; to the Committee on Ways and Means.

By Mr. McDADE:

H.R. 3162. A bill to amend title 18 of the United States Code to provide for the greater protection of the President and the Vice President of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. MacGREGOR:

H.R. 3163. A bill to increase benefits under the Federal old-age, survivors, and disability insurance system, to provide child's insurance benefits beyond age 18 while in school, to provide widow's benefits at age 60 on a reduced basis, to provide benefits for certain individuals not otherwise eligible at age 72, to improve the actuarial status of the trust funds, to extend coverage, to improve the public assistance programs under the Social Security Act, and for other purposes; to the Committee on Ways and Means.

By Mr. MONAGAN:

H.R. 3164. A bill to authorize the temporary release of 100,000 short tons of copper from the national stockpile; to the Committee on Armed Services.

By Mr. MORRIS:

H.R. 3165. A bill to authorize the establishment of the Pecos National Monument in the State of New Mexico, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. NEDZI:

H.R. 3166. A bill to provide a hospital insurance program for the aged under social security, to amend the Federal old-age, survivors, and disability insurance system to increase benefits, improve the actuarial status of the disability insurance trust fund, and extend coverage, to amend the Social Security Act to provide additional Federal financial participation in the Federal-State public assistance programs, and for other purposes; to the Committee on Ways and Means.

H.R. 3167. A bill to amend the Internal Revenue Code of 1954 to repeal the manufacturers excise taxes on automobiles and on parts and accessories, and to reduce the manufacturers excise tax on trucks and buses to 5 percent; to the Committee on Ways and Means.

By Mr. QUIE:

H.R. 3168. A bill to provide assistance to certain States bordering the Mississippi River in the construction of the Great River Road; to the Committee on Public Works.

By Mr. RIVERS of Alaska:

H.R. 3169. A bill to establish a new program of grants for public works projects undertaken by local governments in the United States; to the Committee on Public Works.

H.R. 3170. A bill to amend section 601 of title 38, United States Code, with respect to the definition of the term "Veterans' Administration facilities"; to the Committee on Veterans' Affairs.

By Mr. ROOSEVELT:

H.R. 3171. A bill to amend title II of the Social Security Act to reduce from 1 year to 6 months the period for which an individual must have been married (in most cases) in order to be considered the wife, husband, widow, or widower of his or her spouse for benefit purposes; to the Committee on Ways and Means.

By Mr. SCHWEIKER:

H.R. 3172. A bill to establish a Commission on Congressional Reorganization, and for other purposes; to the Committee on Rules.

By Mr. SLACK:

H.R. 3173. A bill to provide public works and economic development programs and the planning and coordination needed to assist in development of the Appalachian region; to the Committee on Public Works.

H.R. 3174. A bill to establish a new program of grants for public works projects undertaken by local governments in the United States; to the Committee on Public Works.

H.R. 3175. A bill to amend the Internal Revenue Code of 1954 to repeal certain retailers and manufacturers excise taxes and the excise tax on the use of safe deposit boxes; to the Committee on Ways and Means.

By Mr. SMITH of California:

H.R. 3176. A bill to authorize the coordinated development of the water resources of the Pacific Southwest, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of Texas (by request):

H.R. 3177. A bill to amend title 38, United States Code, to increase dependency and indemnity compensation in certain cases; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of Louisiana:

H.R. 3178. A bill to increase the minimum domestic allotments for cotton farms having two or more tenants; to the Committee on Agriculture.

H.R. 3179. A bill to establish a new program of grants for public works projects undertaken by local governments in the United States; to the Committee on Public Works.

H.R. 3180. A bill to amend the Internal Revenue Code of 1954 to provide a deduction for evacuation expenses incurred during natural disasters; to the Committee on Ways and Means.

By Mr. THOMSON of Wisconsin:

H.R. 3181. A bill to extend certain benefits to persons who served in the Armed Forces of the United States in Mexico or on its borders during the period beginning May 9, 1916, and ending April 6, 1917, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WALKER of New Mexico:

H.R. 3182. A bill to authorize the establishment of the Pecos National Monument in the State of New Mexico, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ASPINALL:

H.R. 3183. A bill to protect the domestic economy, to promote the general welfare,

and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. BARING:

H.R. 3184. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. BATTIN:

H.R. 3185. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. BURTON of Utah:

H.R. 3186. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. CLARK:

H.R. 3187. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. CURTIN:

H.R. 3188. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. DUNCAN of Tennessee:

H.R. 3189. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zince for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. EDMONDSON:

H.R. 3190. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 3191. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. GRAY:

H.R. 3192. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. HALL:

H.R. 3193. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. ICHORD:

H.R. 3194. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. JOHNSON of California:

H.R. 3195. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. KING of Utah:

H.R. 3196. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. McVICKER:

H.R. 3197. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. MORRIS:

H.R. 3198. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 3199. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. OLSEN of Montana:

H.R. 3200. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mrs. REID of Illinois:

H.R. 3201. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. RHODES of Arizona:

H.R. 3202. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. ROONEY of Pennsylvania:

H.R. 3203. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 3204. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. SENNER:

H.R. 3205. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. SKUBITZ:

H.R. 3206. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. THOMSON of Wisconsin:

H.R. 3207. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 3208. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. ULLMAN:

H.R. 3209. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. WALKER of New Mexico:

H.R. 3210. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. WHITE of Idaho:

H.R. 3211. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. WIDNALL:

H.R. 3212. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. ROGERS of Colorado:

H.R. 3213. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from

domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. BOLAND:

H.R. 3214. A bill to amend the Civil Service Retirement Act to provide for the inclusion in the computation of accredited service of certain periods of sick leave, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CLEVELAND:

H.R. 3215. A bill to amend section 124 of title 23, United States Code, to provide for the financing of advance acquisition of rights-of-way for the Federal-aid highway system; to the Committee on Public Works.

By Mr. CLEVENGER:

H.R. 3216. A bill to provide the planning and coordination needed to assist the economic development of the upper Great Lakes region; to the Committee on Public Works.

By Mr. COHELAN:

H.R. 3217. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 3218. A bill to amend title II of the Social Security Act to provide a 7-percent increase in all benefits, with additional future increases in benefits based on increases in the cost of living, to provide child's insurance benefits beyond age 18 while in school, to liberalize the retirement test, to reduce retirement age for women from 62 to 60 and for other purposes; to the Committee on Ways and Means.

By Mr. GOODELL:

H.R. 3219. A bill to increase benefits under the Federal old-age, survivors, and disability insurance system, to provide child's insurance benefits beyond age 18 while in school, to provide widow's benefits at age 60 on a reduced basis, to provide benefits for certain individuals not otherwise eligible at age 72, to improve the actuarial status of the trust funds, to extend coverage, to improve the public assistance programs under the Social Security Act, and for other purposes; to the Committee on Ways and Means.

By Mr. POWELL:

H.R. 3220. A bill to strengthen the educational resources of our colleges and universities and to provide financial assistance for students in postsecondary and higher education; to the Committee on Education and Labor.

By Mrs. GREEN of Oregon:

H.R. 3221. A bill to strengthen the educational resources of our colleges and universities and to provide financial assistance for students in postsecondary and higher education; to the Committee on Education and Labor.

By Mr. REUSS:

H.R. 3222. A bill to amend title 28 of the United States Code, so as to provide for the appointment of one additional district judge for the eastern district of Wisconsin; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas (by request):

H.R. 3223. A bill to amend title 38, United States Code, to provide education and training for veterans who served in combat or in certain campaigns after January 31, 1955, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3224. A bill to amend title 38 of the United States Code to provide pension benefits for veterans of campaigns and expeditionary services; to the Committee on Veterans' Affairs.

H.R. 3225. A bill to amend title 38 of the United States Code to establish the rates of disability compensation on an equitable basis giving due consideration to the continuing increase in the cost of living; to the Committee on Veterans' Affairs.

By Mr. ZABLOCKI:

H.R. 3226. A bill to amend title 28 of the United States Code, so as to provide for the appointment of one additional district judge for the eastern district of Wisconsin; to the Committee on the Judiciary.

By Mr. ASHBROOK:

H.J. Res. 213. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population; to the Committee on the Judiciary.

By Mr. FINO:

H.J. Res. 214. Joint resolution proposing an amendment to the Constitution of the United States to provide that no person may be a Member of Congress who has not, when elected or appointed, been an inhabitant for at least 1 year of the State from which he is chosen; to the Committee on the Judiciary.

By Mr. RUMSFELD:

H.J. Res. 215. Joint resolution to provide for the designation of the fourth week in April of each year as "Youth Temperance Education Week"; to the Committee on the Judiciary.

By Mr. McCARTHY:

H. Con. Res. 120. Concurrent resolution expressing the sense of the Congress with respect to the distribution and viewing of the film "Years of Lightning, Day of Drums" prepared by the U.S. Information Agency on the late President Kennedy; to the Committee on Foreign Affairs.

By Mr. MOSS:

H. Con. Res. 121. Concurrent resolution to establish a Joint Committee on the Organization of the Congress; to the Committee on Rules.

By Mr. BOB WILSON:

H. Con. Res. 122. Concurrent resolution expressing the sense of Congress with respect to the establishment of a commission to study the feasibility of Federal legislation requiring uniform threads on couplings of firehoses; to the Committee on Interstate and Foreign Commerce.

By Mr. CONTE:

H. Res. 128. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. GOODELL:

H. Res. 129. Resolution to amend rule XXVIII of the rules of the House to permit 1 hour of debate on a motion to agree or disagree to a conference report; to the Committee on Rules.

By Mr. KUNKEL:

H. Res. 130. Resolution to amend rule XXII of the Rules of the House of Representatives to permit Members to introduce jointly public bills, memorials, and resolutions; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 3227. A bill for the relief of Serafem J. Loucas; to the Committee on the Judiciary.

H.R. 3228. A bill for the relief of Epifanios Tufexis; to the Committee on the Judiciary.

H.R. 3229. A bill for the relief of Mario Barbati; to the Committee on the Judiciary.

H.R. 3230. A bill for the relief of Elie Andreakos; to the Committee on the Judiciary.

H.R. 3231. A bill for the relief of Vincenza Crifasi; to the Committee on the Judiciary.

H.R. 3232. A bill for the relief of Pietro Daidone; to the Committee on the Judiciary.

By Mr. BARRETT:

H.R. 3233. A bill for the relief of Emanuel G. Topakas; to the Committee on the Judiciary.

H.R. 3234. A bill for the relief of Miss Orani Sarian (Sarioglu); to the Committee on the Judiciary.

H.R. 3235. A bill for the relief of Dr. Jose L. Guinot; to the Committee on the Judiciary.

By Mr. CAREY:

H.R. 3236. A bill for the relief of Louis Shchuchinski; to the Committee on the Judiciary.

H.R. 3237. A bill for the relief of Mrs. Filomena Daria Mannarella; to the Committee on the Judiciary.

H.R. 3238. A bill for the relief of Mrs. Lois Agatha Morrison (nee Daley); to the Committee on the Judiciary.

H.R. 3239. A bill for the relief of Mrs. Kajla Mandel Stachewsky de Balaban; to the Committee on the Judiciary.

H.R. 3240. A bill for the relief of Bianca Viola; to the Committee on the Judiciary.

H.R. 3241. A bill for the relief of Albert Griffith; to the Committee on the Judiciary.

H.R. 3242. A bill for the relief of Vincenzo Cirone; to the Committee on the Judiciary.

H.R. 3243. A bill for the relief of Stamatios Constantellos; to the Committee on the Judiciary.

H.R. 3244. A bill for the relief of Petra John; to the Committee on the Judiciary.

H.R. 3245. A bill for the relief of Stavroula P. Stratigos; to the Committee on the Judiciary.

H.R. 3246. A bill for the relief of Ignazio Barravecchio; to the Committee on the Judiciary.

H.R. 3247. A bill for the relief of the DiCuia family; to the Committee on the Judiciary.

H.R. 3248. A bill for the relief of Giovanni Di Norcia; to the Committee on the Judiciary.

H.R. 3249. A bill for the relief of Peter George Raptakis; to the Committee on the Judiciary.

H.R. 3250. A bill for the relief of Alexander Camenzuli, his wife, Eileen Mary Camenzuli, and their minor son, George Camenzuli; to the Committee on the Judiciary.

H.R. 3251. A bill for the relief of Tiang H. Ong and his wife, Hian Nio Ong; to the Committee on the Judiciary.

H.R. 3252. A bill for the relief of Alberta Blanche Stevens; to the Committee on the Judiciary.

H.R. 3253. A bill for the relief of Fotini Papadakou; to the Committee on the Judiciary.

H.R. 3254. A bill for the relief of Luigi Renzi; to the Committee on the Judiciary.

H.R. 3255. A bill for the relief of John Carassale; to the Committee on the Judiciary.

H.R. 3256. A bill for the relief of Salvatore Francavilla; to the Committee on the Judiciary.

H.R. 3257. A bill for the relief of Georgious Kaloides; to the Committee on the Judiciary.

H.R. 3258. A bill for the relief of Muriel Agatha Gauntlett; to the Committee on the Judiciary.

H.R. 3259. A bill for the relief of Giuseppe Basile; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 3260. A bill for the relief of Mrs. Camille Nuyt; to the Committee on the Judiciary.

H.R. 3261. A bill for the relief of Miss Juana D. Dionisio; to the Committee on the Judiciary.

H.R. 3262. A bill for the relief of Lugino Dario; to the Committee on the Judiciary.

H.R. 3263. A bill for the relief of Karim Youssef Bou-Semaan; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 3264. A bill for the relief of Armenouhi Eghiazarian; to the Committee on the Judiciary.

By Mr. DOW:

H.R. 3265. A bill for the relief of Vincenzo Pettinato; to the Committee on the Judiciary.

H.R. 3266. A bill for the relief of Wiktor Truszkowski; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 3267. A bill for the relief of Horace Cassar and Catherine Cassar; to the Committee on the Judiciary.

H.R. 3268. A bill for the relief of Emilia Botta; to the Committee on the Judiciary.

H.R. 3269. A bill for the relief of Francesco Barone; to the Committee on the Judiciary.

By Mr. GARMATZ:

H.R. 3270. A bill for the relief of Henryk Lazowski; to the Committee on the Judiciary.

By Mr. GIAIMO:

H.R. 3271. A bill for the relief of Mrs. Caterina Wurzburger Varriale; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 3272. A bill for the relief of Rosa Kelly; to the Committee on the Judiciary.

H.R. 3273. A bill for the relief of Nicola Lante; to the Committee on the Judiciary.

By Mr. GOODELL:

H.R. 3274. A bill for the relief of Mary Gabriella Gomes; to the Committee on the Judiciary.

By Mr. HAGAN of Georgia:

H.R. 3275. A bill to confer jurisdiction on the U.S. Court of Claims to hear, determine, and render judgment on the claim of Mrs. Melba B. Perkins against the United States; to the Committee on the Judiciary.

H.R. 3276. A bill for the relief of Floyd Concrete Co., Mock Fence Co., Smith Contracting Co., John G. Butler Co., Inc., Cement Products Co., and B. A. Mock, doing business as B. A. Mock & Son; to the Committee on the Judiciary.

H.R. 3277. A bill for the relief of James Hubert Rhoden and Marjorie Joyce Rhoden; to the Committee on the Judiciary.

By Mr. HAGEN of California:

H.R. 3278. A bill for the relief of Wayne Gee (also known as Gee Kim Poy); to the Committee on the Judiciary.

By Mr. JOELSON:

H.R. 3279. A bill for the relief of Maria Perel Kot; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 3280. A bill for the relief of Mrs. Myrtle Weir Prince; to the Committee on the Judiciary.

By Mr. McGRATH:

H.R. 3281. A bill for the relief of Yoko Okura; to the Committee on the Judiciary.

By Mr. MORGAN:

H.R. 3282. A bill for the relief of Delia Pili; to the Committee on the Judiciary.

By Mr. MULTER:

H.R. 3283. A bill for the relief of Fu Wong; to the Committee on the Judiciary.

H.R. 3284. A bill for the relief of Wu Tsai Chang (also known as Wu Tsai Cheng); to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 3285. A bill for the relief of Strategoulas Petosa; to the Committee on the Judiciary.

H.R. 3286. A bill for the relief of Anastasios Alexander Hoidas; to the Committee on the Judiciary.

By Mr. NEDZI:

H.R. 3287. A bill for the relief of Czeslawa Podgorska; to the Committee on the Judiciary.

By Mr. REINECKE:

H.R. 3288. A bill for the relief of Hwang Tai Shik; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 3289. A bill for the relief of Mr. Adolfo J. Torres; to the Committee on the Judiciary.

H.R. 3290. A bill for the relief of Esperanza Corral-Marin; to the Committee on the Judiciary.

By Mr. SCHWEIKER:

H.R. 3291. A bill for the relief of Kemal Dincer, M.D.; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 3292. A bill for the relief of Consuelo Alvarado de Corpus; to the Committee on the Judiciary.

H.R. 3293. A bill for the relief of Severia Cortes Naranjo; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

76. The SPEAKER presented a petition of LeRoy H. Woodson and others relative to abolishing the House Un-American Activities Committee, which was referred to the Committee on Rules.

EXTENSIONS OF REMARKS

Retirement of Frank Fuller

EXTENSION OF REMARKS

OF

HON. A. WILLIS ROBERTSON

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, January 19, 1965

Mr. ROBERTSON. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a statement by me concerning Frank H. Fuller, of the Associated Press.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ROBERTSON

Along with many other Virginians, I am going to miss Frank H. Fuller, who is retiring from the Associated Press, after 38 years as chief of its Richmond bureau.

As head of Virginia operations for the Associated Press, he has directed with efficiency and speed the distribution of news to many newspapers and radio and television stations throughout the State. Newspaper readers seldom get to know the desk men of a news-gathering organization, who work quietly behind the scenes. But these are the men who see to it that we find out without delay what happened a few minutes or a few hours ago.

Mr. Fuller began his career with the Associated Press in the Atlanta bureau in 1923, shortly after his graduation from the University of Georgia. Before coming to Richmond, 4 years later, he served the Associated Press in Alabama, Arkansas, Mississippi, and Louisiana.

In addition to having many contacts with Frank during my 32 years of service in Congress, we had another interest in common—the love of the out-of-doors and an inborn fondness for duck hunting. One of the crosses that Frank bore with patience and fortitude was a broken leg which interfered with his hunting and fishing.

I join his many friends in wishing him many years of happiness in his well-earned retirement.

Debate on U.S. Policy on Vietnam

EXTENSION OF REMARKS

OF

HON. GEORGE McGOVERN

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Tuesday, January 19, 1965

Mr. McGOVERN. Mr. President, a continuing and, in my judgment, very constructive debate, on U.S. policy on Vietnam is underway. Right now, I believe, there exists what amounts to a deadlock between the state of South Vietnam, aided to an increasing extent by the United States, and the Vietcong guerrillas, aided to an increasing extent by North Vietnam. It would be difficult, and probably impossible, for South Vietnamese forces to win a final military victory, since there appears to be a grass roots cooperation with the Vietcong throughout much of the countryside. On the other hand, it would be equally difficult for the Communist forces to achieve a final victory over the South Vietnamese, with their strong U.S. military backing. The U.S. forces are undoubtedly able to remain there indefinitely and to prevent a Communist takeover in that manner; yet there is raised with increasing frequency the question of whether we might achieve basically the same results, over the long run, by a negotiated settlement which would spare the Vietnamese people the long suffering and economic devastation of continued warfare. It would also avoid the continued financial drain and loss of life now being suffered by the United States.

Few Americans favor an immediate and unqualified pullout. I believe the commitment we have given the leaders of South Vietnam and the concern we have for the people there would make it impossible for the United States to withdraw immediately. Yet it is not too soon to discuss the terms on which a withdrawal might ultimately be possible, and to assess the long-term requirements for the settlement of an issue which is basically political, not military. During the present struggle, we should not remain silent, with bated breath, as it were, waiting for a sudden resolution of the problem, which is most unlikely. Rather, we should use, here in Congress and throughout the country, the existing deadlock to discuss alternative policies and forms of settlement, so that the American people, as well as the administration, will be better equipped to take further action at an opportune time. Prolonging the conflict indefinitely could only mean continued painful losses for both sides.

In this connection, Mr. President, a debate over U.S. policy on Vietnam was published in the New York Times magazine of January 17. The debate was between the Senator from Oregon [Mr. MORSE] and Henry Cabot Lodge, former Ambassador to South Vietnam. Both points of view—"withdraw now" or "fight on to victory"—were presented clearly and cogently. I ask unanimous consent that this presentation be printed following my remarks in the RECORD.